

COMMUNITY MEDIA REVIEW



Challenging the Threats to Community Media

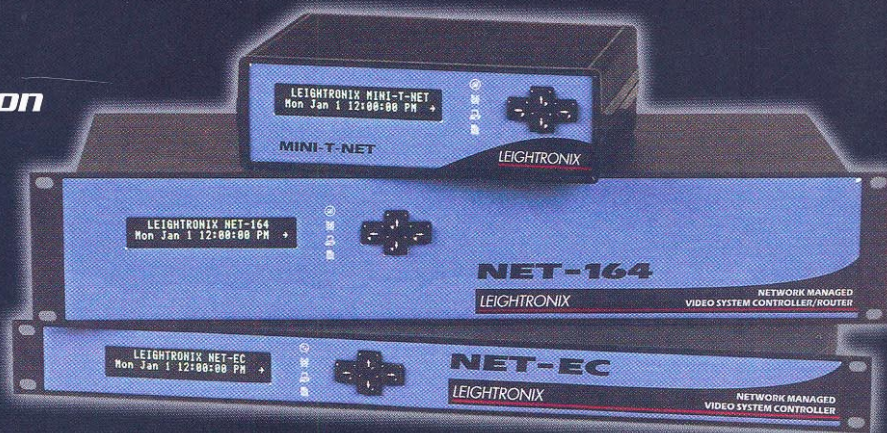
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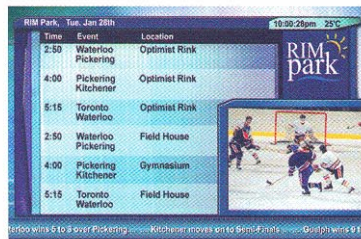
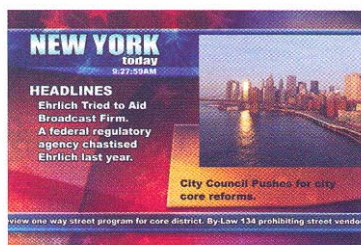
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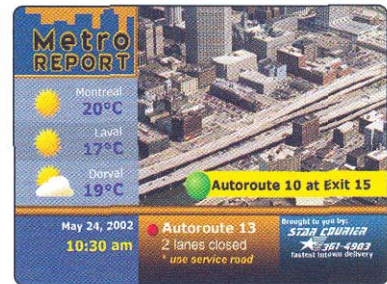
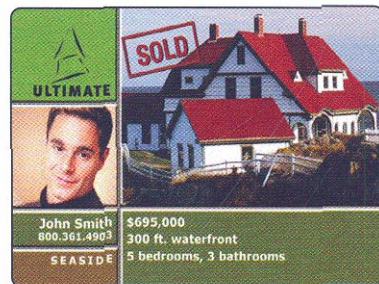
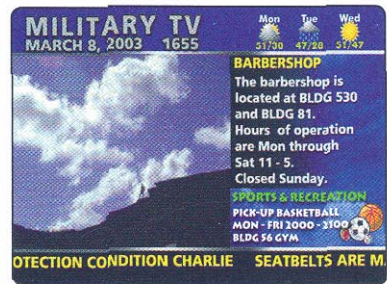
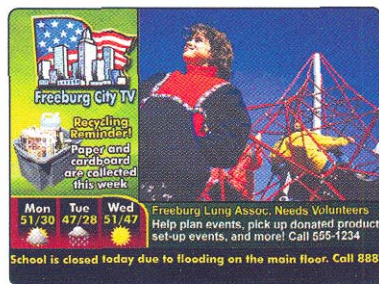
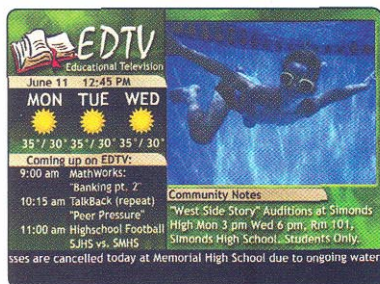
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Brian Anthony Wilson, 1956-2004

BY BUNNIE RIEDEL

The greatest resource the Alliance has is its members: people from every walk of life; every political opinion; every religious belief; every ethnicity and cultural background; every economic circumstance, sexual orientation and age. The Alliance is a rich tapestry of people reflecting the diversity of our country and the diversity of the world. And it is through that diversity that we are able to find common ground when we are willing to seek it.

These connections reflect what I believe is at the core of most of our members' personalities, a desire to reach out to each other and live a life of service to our communities. After all, we are not in the business of making "widgets," we are in the business of "the public interest."

In 2002, an Alliance member stepped up to the plate and took on the daunting task of being a servant-leader to the organization. Although he had served on the board before, he had not done so as "Chair." Maybe the timing was right in the life of this organization or maybe the timing was right in his life. I am talking of course about Brian Wilson.

Before Brian became chair I did not know him well. We had met at various conferences and had a few conversations. Brian was on the national board when I was hired, but soon after, his board term was up and so we had not spent much time together. When he was elected chair I felt a certain amount of trepidation, I had no idea what kind of a chair he would be or what it would be like to work with him. We both entered this work relationship slowly, carefully picking our words and being cautious with each other.

Brian had an uncanny knack for really listening, not just to what people said, but also to what they meant.

Along the way of his life he had made a conscious decision not to make assumptions and not to filter other people's actions through his own lens of experience. He gave everyone, including me, the benefit of the doubt and purposely decided that their motivations were well meaning, even if their acts were less than generous.

Practically every Alliance for Community Media Region in the United States had the fortune of having Brian in a leadership position in that region at one time or another. And over the last few years, he had become quite involved in our sister organization, the National Association of Telecommunications Officers and Advisors (NATOA). But Brian particularly excelled at leadership toward the end of his life. Through much soul searching, a tremendous amount of sheer will power and a commitment to living a "better life," Brian achieved a depth of spirit that eludes most of us. He had achieved a real sense of who he was and what he wanted his role to be in the world.

Once he became chair of the Alliance he and I spent many, many hours on the phone talking about the business of the Alliance and about our personal stories. I learned that like myself, Brian had been adopted and I think that little bit of information brought us closer. I learned that Brian had been a volunteer firefighter at one point, something he dearly loved. He had also been a teacher, a soap opera writer and he is the deep voiced bass singer in that classic disco hit "Funky Town."

At the Midwest conference in St. Paul in February, Brian stopped by to show his support, but he wasn't feeling well so he left a little early. Since I had a plane to catch, he gave me a ride to the airport as it was on the way back to his parent's home. We started joking around and by the time we

reached the airport we were both practically in tears from laughing. His sense of humor and his wry wit were a substantial part of his personality.

Along with a personality and a very interesting personal history, Brian brought a refreshing leadership style to the board. His goal was to get us all working together toward a common purpose, that being the best interest of the organization. On several occasions he made us do those stupid board "exercises," you know the ones I am talking about, where you partner up with people and reveal information you didn't really want to share. At one point he forced us all to go to a bar and do Karaoke. It was interesting how these exercises and the big group "sing" helped us learn how to laugh with each other; find ways to understand each other better, and build a sense of trust and community among the board members and myself.

Brian was very strict about not allowing anyone to commandeer the meetings. He moved us right along whether we wanted to move or not. And if we were just going in circles, he pointed that out to us in a very direct way. As time went along, the meetings grew shorter and we accomplished twice as much in half the time. His leadership style was thoughtful, respectful and welcoming.

Like many Alliance and NATOA members, I miss Brian and I frequently think "say it isn't so." I miss his voice on the phone, his love of fun, his excellent dancing and his sage advice. I miss him as a leader and I miss him as a friend. Sadly Brian's life was too short. But there is no doubt that in that short amount of time, he had a profound impact on many, many people.

Bunnie Riedel is executive director of the Alliance for Community Media. Contact her at briedel@alliancecm.org



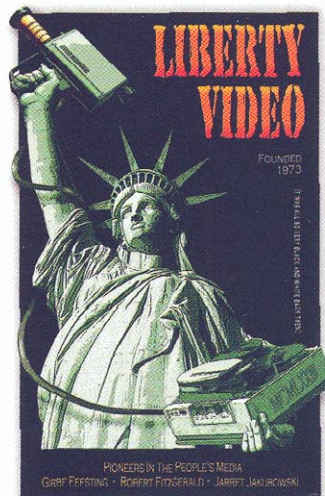
Brian Anthony Wilson

September 12, 1956

April 10, 2004

ON THE COVER OF CMR

The cover art for the spring issue was created by Jarret Jakubowski in 1973 for the poster at right. A Vietnam veteran, he and fellow vet Bob Fitzgerald, and Girbe Eefsting, a member of the resistance, were film and video majors at William James College in Allendale, Michigan. They collaborated on a multi-media documentary project in Washington, DC protesting Richard Nixon's 1973 inauguration. Their task was to cover the YIPPIE counter inauguration of a pig.



"Liberty Video lasted

through our college years and we worked on many projects that embraced using media for social change," said Eefsting, who works today with the Community Media Center in Grand Rapids, Michigan. "Our final project was working with the United Farm Workers in their struggle to be recognized as a labor union."

Jarret graciously altered the artwork by changing the Roman numerals on the porta-pak from 1973 to 1972, reflecting the landmark FCC decision that gave Public access its foothold in the cable franchise process. For more on that, read Neil Lehto's article on page 13, and see Nicholas Johnson's comments on page 34.

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Seeing images of Iraqis being humiliated and brutalized at the hands of our own armed forces resonate in our mind like echoes of the Vietnam era. The My Lai massacre of innocent Vietnamese civilians, documented on film, was one of the nails in the coffin of yet another war that few Americans asked to join.

The power of the photographic image to shift public opinion, move societies to action or bring collective sadness, is the same power that we see played out in thousands of cabled communities across the United States.

Sure, it is difficult to compare what happens, say, in an average city council meeting with some of these life-changing events; however, the measure of the drama is simply a matter of scale.

Case in point: when hearings on same-sex marriage were being held in the state of Vermont in 1999, I was executive director of an access organization. I helped in live coverage of a legislative committee's visit to hear citizen comments. What I witnessed that evening was one of the most riveting three hours of "television" I had ever seen. Resident after resident testified with well-chosen words, heartfelt emotion and profound sincerity. The impact of the cablecast in Bennington was palpable, and with the cumulative impact of similar testimonials around the state, the Vermont legislature eventually legalized civil unions—opening the door to change across the United States.

What does this have to do with the theme of this *CMR*? Community media in general is seeing threats to their existence by national and global forces. And at the same time, there are local threats to PEG access so common and familiar that we barely recognize them as threats, but which are to us more urgent and more important to vigorously confront. But as in Vermont's civil unions story, if you and I work from the local outward, we'll witness the collective power that will eventually create national and global change.

As you read this issue of the *CMR*, you'll see that many difficulties community media face are brought on by external forces. Even a sampling of these can be discouraging: global trade agreements, a downsized economy, the consolidation of mass media ownership, an aggressive cable industry eager to eliminate PEG access.

You'll also read reports from community media practitioners about local problems that have stifled the growth of community media, and sometimes delivered it a fatal blow: loss of community support and influential allies; financially-strained municipal budgets; lack of committed leadership during franchise renewal; the emergence of a powerful anti-public access crusader; municipal governments that fund government and educational access or institutional networks while they defund public access.

But there is hope. Inside you'll find tools to inoculate your community media center against the "internal" threats it may face day to day. You'll learn about global efforts to preserve cultural diversity and free speech. You'll read how the Alliance can help you educate your state and federal legislators about the "meta-threats" dumped on us like fallout from the war being waged among telecommunication giants—such as the cable modem issue, or media ownership consolidation.

Most importantly, we remind you why PEG access exists in the first place, and why it is worth protecting. Our strongest defense is not its money. Rather, we draw our strength from the value of truth, and the ability of individuals, non-profit organizations, local governments and educational institutions to freely and independently express views that challenge the status quo, invoke open and constructive debate, promote civic involvement in our democratic system, and fight intolerance, hatred and bigotry. We also draw strength from our colleagues across the world who are challenging many of the same threats we face, and are forging a new path by means of strategic thinking and collective action.

We are living in a time in United States history when the mass media can no longer be counted on to provide a free and independent voice in political debate, or to be a countervailing force against large corporate commercial interests. Two important independent communication systems thankfully still exist,—the Internet and PEG access—and it is vitally important that we all work to make certain that both continue to thrive, unencumbered by the threats that would chip away at their foundations, and with them, our basic democratic freedoms.

— Greg Epler Wood, with Lauren-Glenn Davitian, co-editors.

Greg EplerWood is an independent consultant in the field of public interest telecommunications policy and implementation, with a background of professional media production, writing and management of academic and PEG access organizations. He assists nonprofits in their advocacy, capacity-building and visioning, and is a contract project manager. Epler Wood has been an Alliance member since 1979, and its public policy committee chair since 2001. He also heads public policy for the Vermont Access Network, that state's PEG access organization.

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Channel	Start	Length	Proj ID	Project Title	Post ID	Episode	Program Title
62	Sat 05/26/00 20:00:00	0:27:24	1889	Anthony's Profile	3430	0	Anthony's Profile
62	Sat 05/26/00 20:27:24	0:01:12	1189	Pre-announcement	3437	0	345 9 of 9: Recovery
62	Sat 05/26/00 22:26:45	0:01:14	1671	Program Guide	3432	0	Program Guide
62	Sat 05/26/00 22:30:00	0:30:00	2620	Harvest Time	17563	0	Harvest Time
62	Sat 05/26/00 21:00:00	0:58:15	3657	Korean Christian Television of AZ	27298	0	Korean Christian Television of AZ
62	Sat 05/26/00 21:59:15	0:01:14	1886	Access Information	3500	0	Access Information
62	Sat 05/26/00 22:00:00	1:00:00	3007	Noche de Sonidos			
62	Sat 05/26/00 21:00:00	1:00:00	257	Austria Pastoral	2711	134	Cats in the Classroom
62	Sun 05/27/00 00:00:00	1:00:00	220	Religion, Love, Tea			
62	Sat 05/26/00 1:00:00	1:00:00	1077	Book Club Round	3314	0	Foreword, introductions, wrap-up
62	Sun 05/27/00 2:00:00	4:50:00	3006	Classic Arts Showcase			
62	Sun 05/27/00 4:50:00	0:01:00	1366	Access Information	3500	0	Access Information
62	Sun 05/27/00 7:00:00	0:00:12	1346	Ona (Performance Host and Act)	26402	0	Ona (Performance Host and Act)
62	Sun 05/27/00 7:50:25	1:00:00	3006	Classic Arts Showcase			
62	Sun 05/27/00 8:50:25	0:00:37	1006	Access Information	3500	0	Access Information
62	Sun 05/27/00 9:00:00	1:55:26	2862	United Gospel Fellowship Hour	18020	0	112 112
62	Sun 05/27/00 10:55:26	0:00:36	1892	Access Information	3500	0	Access Information
62	Sun 05/26/00 11:00:00	0:58:00	3150	Living in the Faith Zone	21875	0	72 Living in the Faith Zone
62	Sun 05/26/00 11:58:00	0:01:15	1886	Access Information	3500	0	Access Information

Appointment Book

Date/Time	Appointment Book	Staff	Staff	Staff	Staff	Staff	Staff	Staff
9/20 9:00 a	Burton, Dan							
9/20 9:30 a	Burton, Dan							
9/20 10:00 a	Burton, Dan	Montague, Mickey	Trachten, Becky					
9/20 10:30 a	Burton, Dan	Montague, Mickey	Trachten, Becky					
9/20 11:00 a	Burton, Dan	Montague, Mickey	Trachten, Becky					
9/20 11:30 a	Burton, Dan	Montague, Mickey	Trachten, Becky					
9/20 12:00 p	Burton, Dan	Montague, Mickey	Trachten, Becky					
9/20 12:30 p	Burton, Dan	Montague, Mickey	Trachten, Becky					
9/20 1:00 p	Burton, Dan							
9/20 1:30 p	Forrest, Tige							
9/20 2:00 p	Forrest, Tige	Kak, James T						
9/20 2:30 p	Forrest, Tige	Kak, James T						
9/20 3:00 p	Forrest, Tige	Kak, James T						
9/20 3:30 p	Forrest, Tige	Kak, James T						
9/20 4:00 p	Forrest, Tige	Kak, James T						
9/20 4:30 p	Forrest, Tige	Kak, James T						
9/20 5:00 p	Forrest, Tige	Kak, James T						
9/20 5:30 p	Forrest, Tige	Kak, James T						
9/20 6:00 p	Forrest, Tige	Kak, James T						
9/20 6:30 p	Forrest, Tige	Kak, James T						
9/20 7:00 p	Forrest, Tige	Kak, James T						
9/20 7:30 p	Forrest, Tige	Kak, James T						

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Challenges to Community Media

BY GREG EPLER WOOD

For the past three years the Alliance's Public Policy Committee has been observing an increasing number of threats and challenges to community media in general, and PEG access in particular. These have become more serious as media consolidation and television/Internet digital convergence has, in turn, emboldened and hardened the cable industry to fight more competitively to increase its bottom line. The fight has become more serious as the cable industry attempts to chip away at some of the most fundamental principles underlying PEG access: public rights-of-way; franchise fees; protections under the First and Fifth Amendments to the United States Constitution; the Cable Communications Act itself.

Ever since its modest beginnings, public access, and to a lesser extent its sisters educational and governmental access, has suffered from lack of funding and the difficulty in institutionalizing itself in the minds and lives of the general public. In spite of the myriad of challenges resulting from such handicaps, it has not only survived but has also grown in large part due to an incredible cadre of bright, determined and deeply principled individuals acting out a basic truth: that a community is strengthened and tied together by free and open lines of communication.

We may be approaching a tipping point, however. Most of the traditional and familiar challenges are still with us, but they have been joined by a whole new set of "meta-threats"—those brought

on by a more monolithic cable industry structure and a more complicated set of intertwined technical and regulatory challenges than we saw 30 years ago. The PEG access pioneers faced giants and the unknown as they animated this unusual new concept beginning back in the 1970s: Teleprompter, Manhattan Borough, the Congress, the Supreme Court; the crude Sony PortaPak, using video for social change, public meetings truly becoming public via the "intrusion" of video.

Thirty years later we face giants again, but this time we are more knowledgeable, sophisticated and have a real thing with a track record to fight for and to fight with.

Take a look at the list below and see which ones resonate with you. Read through the rest of the *CMR* and use the information, as well as the resources of the Alliance, to strengthen your own community media operation. Follow those suggestions that make most sense to you on the local level, but in addition, support the Alliance and other media democracy organizations as they confront the larger national and global meta-threats. More now than ever, we must all be informed, and we need to engage our friends and allies. Thus empowered and unified by the principles that are the fuel of the community media engine, we can re-invent PEG access to be an even stronger and more vitally integrated force for social justice and change in our communities.

—Greg Epler Wood is chair of the Alliance's Public Policy Committee

THE TOP 31 CHALLENGES COMPILED

I. LOSS/LACK OF PEG ACCESS OUTRIGHT

1. By direct action (or inaction) of the local government ('E' and 'G' to the exclusion of 'P')
2. Powerful MSOs "cozying up to" (pressuring) local elected officials
3. Cable companies allowed to drop PEG access during consolidations/franchise renewals
4. Allowed to die as a result of decreased community support/volunteerism/poor leadership
5. Difficult to start-up in some large cities with strong commercial broadcast media

II. DECREASE IN REVENUES

6. Tight fiscal times for cash-strapped local franchising authorities (LFAs) who cut back PEG
7. Deliberate under-reporting of gross-annual-revenues (GAR) by cable companies
8. Cable modem revenue held back from GAR calculations (see #13)

9. Advertising revenue held back from GAR

10. Slowdown of build-outs and expansion of homes-passed

11. Competition from direct broadcast satellite

III. LOOMING EXTERNAL THREATS (SOME EXISTENT, SOME EARLY-WARNING SIGNS OF POSSIBLE TRENDS)

12. Authority of LFAs to regulate public rights-of-way challenged by cable companies
13. Cable revenues shifting toward exempt revenue streams, away from traditional services
14. PEG (or P) access revenues being diverted toward costs of supporting I-Nets
15. Expenses of PEG access (e.g., rents) must come out of franchise fee
16. PBS affiliates getting involved in the local franchising process, claiming 'E' access status
17. Global trade rules challenge franchise agreements as "restraint of trade"
18. "A la carte" channel subscriptions—PEG access could be portrayed as costly and separate

IV. CONSTITUTIONAL

19. Cable industry First, Fifth and possibly Fourteenth Amendment-based claims.
20. Indecent speech ruled to be criminal conduct
21. Media ownership consolidation
22. Chilling of diverse speech

V. OUR OWN FOOT, SHOOTING

23. Over-dependency on cable revenues (lack of diverse funding sources)
24. Ineffective or non-existent role in the franchise renewal process
25. Lack of strict franchise/contract enforcement
26. Too few community partners/too little coalition-building at local level
27. Lack of, or ineffective marketing of PEG access to the community
28. Slow to adopt new technologies (buggy-whip mentality)
29. Not using PEG access to identify, then solve, local problems
30. Over-reliance on imported programming (the "PBSing" of PEG access)
31. Local special interest groups pressuring PEG access management

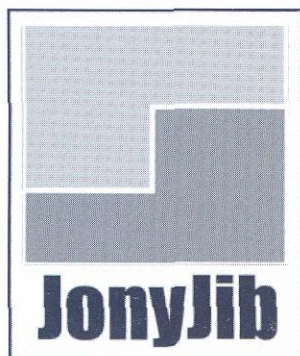
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A Legal History of Public Access Television

Technology and Franchise Law Advance the Movement

BY NEIL J. LEHTO

Editor's note: Attorney Lehto provides historical legal, legislative and regulatory background to understand the fundamental role that the concept of public rights-of-way has played in local cable franchising and PEG access.

The legal history of public access television has always been driven by advances in technology and municipal public utility franchise law. Cable television began in 1948 as a means of selling television sets in small towns where reception of over-the-air TV signals was poor because of long distance or terrain. An appliance storeowner in Tuckerman, Arkansas, connected one of the first community antenna television ("CATV") system subscribers in the country to his 100-foot tower erected primarily to feed 17 outlets in his store to broadcast signals from Memphis, the first television station in the mid-South. His customers paid \$3 per month. Similar systems were installed that year in mountainous rural Astoria, Oregon and Mahoney City, Pennsylvania.

Over the next 20 years, CATV systems slowly spread across the country subject to regulation only at the local level if they strung wires on poles in the public streets and highways, requiring permission in most states from the local municipality in the form of a franchise—a bedrock common law requirement dating back to 14th century England. During that time, providing market and transportation services for the delivery of crops and goods, such as wharves, canals, ferries, bridges and toll roads, were vitally necessary but enormously expensive, needing a government-protected monopoly. These businesses came to be regarded as special prerogatives of the King, whose permission and protection was needed in the form of a charter to use a particular piece of land for these purposes. The privilege became known as a franchise and was treated as a contract regulating prices and methods of operation and was required to serve all customers willing to

pay. In the United States, this sovereign power fell to local government in the late 1800s with the building of telephone, natural gas and electric systems.

It was not until 1965 that the broad local government role in franchising cable television systems as public utilities was intruded upon by the federal government for the protection of local broadcasters. In 1965, the Federal Communications Commission (FCC) adopted rules for cable systems receiving signals by microwave antenna. In 1966, the FCC established rules for all cable systems, whether or not they used microwaves. These regulations (1) required cable systems to carry all local television stations, (2) prohibited systems from carrying programming on the same day from another city that duplicated a program broadcast by a local station, and (3) barred cable systems from importing distant station programming into the 100 major television markets in the country without a hearing by the FCC on the local impact of doing so. The U.S. Supreme Court upheld these regulations in *United States v. Southwestern Cable Company*.¹ A few years later, in *TV Pix, Inc., v. Taylor*,² the role of local government in regulating cable television as a public utility subject to the franchise requirement was upheld by a three-judge court in a challenge to a Nevada statute specifically providing for such regulation.

In 1965, Sony introduced the Portapak video recorder, inexpensively producing black and white programs on half-inch tape. Sony added a color system in 1968. Artists and activists in New York City and elsewhere were quick to adopt the Portapak as a new tool in art and politics, and propelled arguments that cable television systems set aside channels for their local community pro-

gramming. Some cable operators did so voluntarily as a means of promoting customers. For example, in 1968, the Junior Chamber of Commerce in Dale City, Virginia operated what may have been the first public access channel on a cable television system. That same year, Fred Friendly, a pioneering CBS news producer and distinguished broadcast scholar, joined others on Mayor John F. Lindsay's

These technical and legal developments converged on February 2, 1972, when the FCC adopted new standards governing the awarding of cable television franchises, among other things requiring cable systems with more than 3,500 subscribers to make facilities available for the local production of programming on public access channels.

Advisory Task Force on CATV and Telecommunications in recommending that new cable television franchise agreements in New York City set aside two channels for lease by the general public. TV sets had a rotary dial from which viewers selected a maximum 13 channels. Most cable systems carried only three to five local broadcasters, leaving plenty of unused channels. The city awarded two franchise agreements in 1970 setting aside two channels each for the city government and the public at no cost on a first come, first served basis. Public access was born.

These technical and legal developments converged on February 2, 1972, when the FCC adopted new standards governing the awarding of cable television franchises, among other things requiring cable systems with more than 3,500 subscribers to make facilities available for the local production of programming on public access channels. The U.S. Supreme Court upheld these provisions in 1972.³ Although the Court did not address the First Amendment in deciding the case, it did recognize a legitimate

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MACRO SYSTEM

government interest in providing outlets for public expression. However, the broad reach of the FCC's rules came under criticism in a concurring opinion by Chief Justice Warren Burger. In reaction, the FCC modified or eliminated its cable television rules in succeeding years. The FCC revised its rules requiring, but limiting Public, Educational and Governmental (PEG) access channels, studio and production equipment in 1976. The U.S. Supreme Court in *FCC v. Midwest Video Corporation* struck them down in 1979.⁴ Rules allowing franchise fees of up to five percent of gross revenues remained, but the others were noted as voluntary procedures and guidelines until 1984 when they were completely repealed. However, by nullifying FCC preemption of the area, *Midwest Video* was interpreted by many as protecting the authority of local government to award and renew cable television franchises requiring franchise fees, PEG channels, studio and production equipment.

In 1975, HBO revolutionized the cable industry by delivering its programming by satellite. Satellite delivery made it possible for cable systems to economically provide a vast array of national programming services to local subscribers—movies, sports, news and specialized programs directed at important segments of the television audience such as children, minorities and senior citizens. As a direct consequence, the cable television industry boomed. The years 1975 to 1984, were characterized in many cities by cable television franchise bidding wars among competing companies and charges of municipal corruption. In June 1984, as thousands of new cable television systems were being turned on, the U.S. Supreme Court issued a ruling containing a lengthy and appreciative descriptive history of the FCC's preemption of local regulation. That ruling suggested that the Court was ready to endorse policies that would broadly deregulate the industry.⁵ It was against this backdrop that the U.S. Congress stepped in with adoption of the U.S. Cable Communications Policy Act of 1984.⁶ The 1984 Cable Act legislatively endorsed the local franchise requirement, capped franchise fees at five percent of gross revenues and specifically authorized municipal officials to require PEG channels, studios and production equipment, putting an end to FCC

attempts to preempt local government.

Some zealots in the cable industry responded by bringing a series of constitutional challenges against cities. The leading cases were filed in the federal district courts in California and dragged out over the next 10 years.⁷

Their legal theory had two important prongs. First, they argued that attaching a cable system to utility poles does not use the public rights of way any differently from the way publishers use them to deliver newspapers. Second, they argued that the public rights of way used by cable television systems are subject to public forum analysis under the First Amendment as applied in *Miami Herald v. Tornillo*.⁸ This line of attack reached the U.S. Supreme Court in 1986 in *City of Los Angeles v. Preferred Communications, Inc.*⁹ The case was a carefully arranged challenge to municipal franchising by a company that never did operate a cable business. In fact, it was created solely for the purpose of seeking a franchise from the city as a matter of First Amendment right. The court concluded that, while the franchise process implicated protected speech, it was "unwilling to decide the legal questions posed...without a more thoroughly developed record of proceedings..."¹⁰ Ultimately, the U.S. Ninth Circuit Court of Appeals struck down the monopoly franchise process in Los Angeles on First Amendment grounds but the case was not very meaningful either to the cable industry or local government because exclusive franchises have been banned in many states since the late 1800s and, in 1992, the U.S. Congress amended the Cable Act to prohibit cities from unreasonable denying multiple franchises.¹¹ It was adopted over the veto of President George H.W. Bush just days before he was defeated for re-election by Arkansas Governor William J. Clinton.

In other cases, the fundamental requirement that cable systems must obtain a local franchise, and lesser franchise requirements that they set aside PEG channels, a studio and production equipment have never been successfully challenged like similar requirements have in the case of newspaper publishers. "It is the need for a local franchise allowing cable systems to use the public rights of way to string its wires and lay its cables in ducts under which these viewpoint neutral facility requirements are negoti-

ated by local government officials with cable operators..."¹² Unlike newspapers, cable television systems control a great part of the information a community may receive. Therefore, they should be subject to a great level of government regulation. The courts have, therefore, upheld content-neutral structural regulation that fosters a diversity of program viewpoints. Thus, franchise requirements setting aside PEG channels have consistently been sustained.¹³

Neil J. Lehto is an attorney in private practice in West Bloomfield, Michigan. He specializes in representing local government in dealings with cable television, telecommunications and other public utility matters.

1. 392 U.S. 157 (1968).

2. 304 F. Supp. 459 (D. Nev. 1968) *aff'd per curiam* 396 U.S. 566 (1970).

3. *United States v. Midwest Video Corp.*, 406 U.S. 649 (1972).

4. 440 U.S. 689 (1979).

5. *Capital Cities Cable Inc. v. Crisp*, 467 U.S. 691 (1984).

6. Pub. L. No. 98-549, 98 Stat. 2779 (1984) codified as amended at 47 U.S.C. 521 et seq.

7. *Preferred Communications Inc. v. City of Los Angeles*, 754 F.2d 1369 (9th Cir. 1985); *Group W Cable Inc. v. City of Santa Cruz*, 669 F. Supp. 954 (N.D. Calif. 1987); *Pac. W. Cable Co. v. City of Sacramento*, 672 F. Supp. 1322 (E.D. Calif. 1987).

8. 418 U.S. 241 (1974).

9. 476 U.S. 488 (1986).

10. *Id.* at 495. Other courts similarly ducked the issue of the appropriate First Amendment standard for local cable television regulation. *Century Communications Corp. v. FCC*, 835 F.2d 292 (D.C. Cir. 1987); *Quincy Cable TV Inc. v. FCC*, 768 F.2d 1434, 1448 (D.C. Cir. 1985).

11. 47 U.S.C. 541(a) (1).

12. Senate Committee on Commerce, Science and Transportation, Cable Television Consumer Protection Act of 1991, S. Rep. No. 102-92, 102d Cong., 1st Sess. 51 (1991) (*citing Omega Satellite Prod. v. City of Indianapolis*, 694 F.2d 119, 125 (D.C. Cir. 1982)).

13. *Time Warner Entertainment Company v. FCC*, 93 F.3d 957 (D.C. Cir. 1996) (*per curiam*) (*rehearing en banc denied*) 105 F.3d 723 (D.C. Cir. 1997). *Telesat Cablevision Inc. v. City of Riviera Beach*, 773 F. Supp. 383, 411-413 (S.D. Fla. 1991).

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Death by a Thousand Cuts

Threats and Challenges to Access Survival

BY MARGIE NICHOLSON

It's clear that the survival of access in the 21st century will depend heavily on the national legislative and regulatory environment. But assuming that the status quo is maintained on the national level, here, just in time for your next strategic planning meeting, is an overview of the challenges and threats that local access managers will be facing over the next few years.

It's unlikely that you'll find any surprises in this list, which was compiled from a series of interviews with access leaders in small and large communities around the country. For most access leaders the number one challenge to access survival is funding and all aspects of the continual effort to preserve, attract, increase, raise or stretch their dollars. Other major concerns are in the area of marketing, promotions and public education with the ongoing challenges of involving citizens and potential users, educating decision-makers and members of the media, and attracting viewers. And most access managers have faced, or will be facing, the challenge of dealing with controversial programming and with producers who are "pushing the envelope." A corollary to that, of course, is the challenge of responding to intolerance in the community and attempting to uphold the free speech ideals of our channels and our country.

Other concerns of access managers cluster around the area of technology, including the need for constant re-tooling and equipment upgrades and the pressure to address and possibly incorporate the newer "hotter" technologies. With increasing demands for channel space and market penetration of the newer programmable remote control units, there's a danger that access channels will become "flyover territory." And some access managers question whether the rationale for access to production equipment and distribution is eroding as technology costs drop and new distribution channels emerge.

Some managers are re-thinking the

purpose of access and the role of the access center; they wonder if adherence to the historical philosophy and policies of the access movement is a threat to survival and growth. If we don't adapt, will we disappear? Other access managers are concerned about leadership, particularly recruiting, educating and retaining qualified and capable board members. Other concerns include the impact of the economy on potential users, the challenge of finding affordable space, isolation from other media centers and the larger media reform movement, and the need to review our management practices and update our strategic plans in light of these issues.

Here are what access leaders from various regions and organizations see as the primary threats and challenges to access on the local level. (The leaders are identified by their initials; a key to names and affiliations is provided at the end.)

FUNDING

- The federal regulatory framework is weak, resulting in a patchwork quilt of regulations at the local level and favoring well-organized, deep-pocketed cable companies. BP

- Cable companies have undergone extensive consolidation over the years, and they have increasingly regarded PEG access as costly and expendable. Their sheer size enables them to bring large-scale resources to bear on local franchising authorities to influence them to believe this lie. GEW

- The cable operators' service is so bad that people are switching to satellite, resulting in lower franchise fees and less money for access. RR

- Because of the loss of cable modem funds, which were supposed to support our growth over the years, we've had to shift our focus. DR

- Our member agencies (governments and school districts) are all having budg-

et issues, and that creates budget issues for us. JR

- Cities look at money given to us as an alternate potential revenue stream so we have to be sure we're perceived as providing a service that's needed. JL

- You can diversify your revenue sources, but it's impossible to replace general operating support. AB

For most access leaders the number one challenge to access survival is funding and all aspects of the continual effort to preserve, attract, increase, raise or stretch their dollars.

- Too many access organizations rely too heavily on a single source of revenue and I don't see much progress on developing alternate revenue streams. People are not psychologically prepared to generate those revenues. CK

- We struggled for years and had lots of community support. Now [thanks to successful franchise negotiations] we have new facilities with a bigger staff and budget, and we hear, "you have too much." You can fly under the radar when you have nothing, but when you emerge then you're a target. PL

- Our staff is young, overworked, and underpaid. Turnover is high because we don't have much money for salaries. JR

MARKETING, PUBLIC RELATIONS AND PUBLIC EDUCATION

- Marketing: access centers can't afford it, and cable companies won't do it, so even now many residents aren't aware of access. RR

- I have to spend time every week getting the word out. We must blow our horn or we'll be forgotten very quickly. JL The number one greatest challenge we're faced with is: who's watching? I'm not suggesting a commercial model, but we need to help producers identify and attract target audiences. PL

- Public officials don't understand what we do and the value of these chan-

nels. They don't understand that broadband access is one of the most valuable assets they have. SR

CONTROVERSIAL PROGRAMMING

- Programming about political topics, such as race, the KKK, skinheads, or gay issues, is becoming more of an issue. CK
- Jewish groups are incensed about an Arab news program and are fighting to get it off the channel bringing the media and threatening lawsuits. NR
- There's an intolerance of different points of view and the urge toward censorship. AB
- Local governments may see public access as too political or too controversial and choose to fund only educational and governmental access, thus shutting out non-profits and the general public, an action that raises free speech issues. GEW

TECHNOLOGY

- As more and more channels appear, access channels are getting lost in the shuffle. RR
- We're trying to expand into new areas of media beyond public access. SR
- We're streaming government meetings and will add a low power FM license if the third adjacent restriction is removed in favor of the same restriction placed on high power stations. AB
- New technologies allow cheaper, more sophisticated at-home production. Are access centers stuck in an old mode rather than opportunistically taking advantage of these new trends? GEW
- The rationale for access has been based on a scarcity of access to media and now we have the Internet which provides instant access to the world. It's a challenge to recruit interesting people as producers because they have other outlets. PL
- People used to line up outside the door and now we have to be more proactive. We're no longer the coolest game in town. PL

ACCESS PHILOSOPHY & PROGRAMMING

- First come, first served just doesn't work anymore. Access requires a lot of time. People, especially those from the underserved groups in our communities, don't have the economic resources to spend that amount of time. And nonprofits don't have staff and time either because their funds have been cut. NR
- Access managers are seeing lots of people who've had access for years and many others who need it, but can't use

access based on our philosophy and rules and their own organizational priorities and resources. CK

- An access center needs to take its own pulse. It is failing if it isn't making the strongest possible efforts to be responsive to its community and to involve a broad-based constituency. BP
- The access center has to be important to the community. If you come up for renewal without community support, you're in a bad bargaining position. Some centers don't even do government programming, so nobody knows who they are. NR
- There's a danger of centers cutting back on their outreach to new organizations, allies, and volunteers, and becoming more incestuous. GEW
- We're trying to generate revenues by adding a channel for local businesses but our franchise agreement says we can't do anything commercial. When the agreement expires in five years, we'll be looking to change that terminology. JL
- Do we have a narrow vision of our mission? GEW

BOARD MEMBERS *(Respondents are anonymous by request.)*

- It's hard to get a board that will really work. That's a constant task.
- As more nonprofits are established, the pool of good board members is shrinking and it's harder to get good qualified board members.
- Board members constantly change. They don't understand their role and the role of access. It's a huge undertaking to educate them.

Other Issues

- Another problem is the isolation of people in access from the larger political movement to reform media in this country. We have to make connections and alliances. Our isolation sets us up as an easy target. SR
- Are access centers just providing the nuts and bolts of production or should we be providing more media literacy? Why aren't access centers partnering with other organizations doing media education? CK
- We haven't done a good job of collaborating and partnering with other community media organizations. Everybody is focused on their own mission and developing their own funding base. And many media arts centers have a low opinion of access programming and don't

want to be associated with it. CK

- Space has become an issue. We need more space and this area is expensive. DR
- Property values have skyrocketed. It's hard to get affordable space. One center has been trying to relocate for years. NR
- An access center has to strengthen its infrastructure and follow best practices for nonprofits. Otherwise, in a crisis, things will fall apart. BP

Reviewing the list of challenges may generate a few sleepless nights for access managers, but doesn't it feel better to know you're not alone? No matter how issues are resolved on the national level, as long as access survives, the ultimate success of each center will depend on leadership at the local level. Our local access leaders, with the help of the Alliance, will bear the responsibility for identifying the threats, acknowledging the challenges, and responding with all of their creativity, determination and resources. Stay tuned, as they say, for further developments.

Thanks to the following access leaders for their contributions: **Alan Bushong**, Capital Community Television (Salem, Oregon); **Greg Epler Wood**, formerly with CAT-TV (Bennington, Vermont); **Carl Kucharski**, Portland Community Media (Portland, Oregon); **Paul LeValley**, Arlington Community TV (Arlington, Virginia); **Jim Lundberg**, Lake Minnetonka Communications Commission (Spring Park, Minnesota); **Barbara Popovic**, CAN TV (Chicago, Illinois); **Steve Ranieri**, Quote...Unquote (Albuquerque, New Mexico); **Nancy Richard**, Plymouth Area Community Access Television (Plymouth, Massachusetts); **Debra Rogers**, Falmouth Community Television (Falmouth, Massachusetts); **James Rossi**, C-NET (State College, Pennsylvania); and **Ross Rowe**, Village of Elk Grove (Elk Grove, Illinois).

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Threats Seen: Alliance for Community Media State Public Policy Coordinators Respond

BY GREG EPLER WOOD

Two years ago, Alliance members were asked to volunteer to keep their eyes open in their respective states for threats to PEG access, and to report them back to the national office.

As of this date, 39 individuals representing 27 states have volunteered. Sometimes the network is alerted by Alliance staff of bills introduced in state legislatures; other times, individuals independently report directly to staff. Regardless, the Alliance staff compiles and analyzes the information, looks for trends, gauges the seriousness of the threats and takes action when necessary and when resources permit.

The State Public Policy Coordinators were asked their perspectives for this issue of the *CMR*, and here are, in aggregate, the highlights of their responses (many combined and edited for brevity, clarity and to maintain anonymity.)

At your local PEG access operation, what weaknesses or problems do you see at the managerial, governance or community levels that are inhibiting or hurting PEG access?

"I see several: • Inadequate operating funds, made worse by loss of cable modem franchise fees • Loss of households entered and revenue due to loss of cable subscribers to satellite • Pressures on and by local governments due to tight funding • Inconsistent support from cable administrators in some areas • Uncertainty over franchise renewal, channel capacity and capital funds • Pressure from cable companies to take away PEG channels; make PEG video-on-demand"

"Tightening state budgets have had direct impact on our operation as the city here sees less and less shared revenue. As we are established as a city budget, we have been forced to take same lumps like other departments in the last budget cuts."

"There is a snowballing of city council and city attorney specifically wanting to pull programs. Education is still the key, to educate cable boards, city councils,

county commissioners that while access can have controversial programming on, those programs can be managed and there is more good than harm in having Access their community."

"After 25 years, we are in franchise renewal, and are experiencing a very real war on free speech, civic inclusion and due process regarding the future of PEG access and public access in particular. An effort is being made by the City Administrator to separate out and defund the public access portion from the PEG channel that we already have."

"One weakness I see is in building an effective volunteer and training program for the 21st century. The patterns of how people use their free time have changed. Access is no longer a "if we build it, they will come," first-come first-served place - we would die a painful death if we just waited for people to see the light and become active."

"The franchise agreement does not provide for integrity of Public Access. PA is dependent on municipal funding year to year - being exploited by officials for various attempts to control programming."

"Institutionalization' of PEG access is limiting flexibility and responsiveness of access providers. A large and well-funded access provider in a local urban center has lost connection to grass-roots and acts more like a PBS wannabe - elitist, arrogant, inflexible."

"Organizational concerns over liability (legal and political) threaten to overshadow principled advocacy for free speech and diverse access for local voices."

At the regional or state level, if there are any political, economic, legislative or other influences that are negatively affecting (or threatening) PEG access, what are they?

"General state revenue-sharing cut-backs have generally squeezed local government budgets in this state pretty hard the past two years, with more expected over the next few years. Government access channels are feeling the pinch."

"Attacks on the abilities of communities to regulate the public right-of-way, without a doubt. The various industries who want to do away with that control have at least one, if not more, full-time lobbyist in the state capitol and we, at best, are part-time advocates. Legislators bring these bills to the floor and we have to muster the troops and rally a defense year in and year out and it gets to be an exhausting process."

"The state Republicans are trying to pass a "taxpayers bill of rights" legislation that would restrict local governments from increasing taxes. If passed, this legislation would have huge ramifications on local government, and our operation could be a casualty of the budget cuts."

"In our rural state, it is the isolation of the centers that pose a challenge. The cable companies have strong corporate ties that can influence against PEG. While we offer a unique product custom made to the community, we still have to sell that."

"Cable companies have a regular lobbying arm at state level that allows them to find a sponsor and slip in a bad law without counterbalancing lobbying weight at the state level to protect public access. At a minimum, it's important to monitor laws, but we often hear about them too late."

"Throughout the state there is a lack of community needs assessments and public inclusion when cable comes to a new town or when a franchise renewal occurs."

"As states look at deriving more revenue, they may be looking at legislation to have franchise fees paid to the state rather than the local governments. We must be vigilant in those states that have relatively few access centers, because if state legislators are not familiar with access, it is very easy for them to create unfavorable conditions for PEG."

"In most cases, franchise fee revenues have declined since April 2002 when cable operators stopped including cable

see **Threats**, page 37

I was the late 1970s when this Michigan State University journalism major took an internship at the local PBS television station. The energy was palpable, lots of students helping a few professional staff produce local programs “that mattered.” Of course we had the obligatory on-air fund drives and auctions, but even those somehow felt fresh and had a lot of community involvement. Some of the crusty old-time PBS staff complained of the creeping transition from locally-based programming to satellite feeds, and the ever-increasing amount of corporate underwriting and pledge drive time.

The original language used at the PBS station to describe their management model was “Student Operated, Professionally Staffed.” I arrived at about the time they dropped that moniker and went to “Professionally Run, Student Assisted.” Today, our local PBS station has few interns, and most of the local production staff spends most of their time producing underwriting spots or prepping for the fund drives.

It scares me to think that Public access cable television is following the same path as PBS. They both started out with an attitude of alternative activism and local programming. They both started out giving non-professionals a lot of responsibility and influence. They both started out intentionally setting themselves apart from commercial media. They both started out paying homage to localism and content over “broadcast quality.”

Our Public access contract with the city still says we can't produce “regular programming,” which means our access organization doesn't have any fixed, regular time slotted programs produced by staff. We were expressly established to *assist* and *enable* citizen producers to use television to tell *their* stories. I think this principle was formed to keep staff from monopolizing the equipment and channel for “professional” productions. Staff is hired to assist the community, not to produce programs.

Obviously, I think we have room for both in the current state of affairs with community television. But if entries in the Alliance's Hometown Video competition are any indication, the pendulum has swung over the years from a majority of citizen producers to a majority of staff

THE PBSING OF ACCESS TV

or How To Sell The Farm Without Knowing It

BY DIRK KONING

Most of the early pioneers are realizing they have no retirement and need to seek comfort over preservation of the “cause.” Young people come into community television and see a career, not a cause. The “piss and vinegar” of our youth has been replaced by “martinis and olives.” We have become “comfortably numb.”

producers. This could be due to more staff, entry fees or marketing, but I contend that as public access or community television matures, it is following a similar path as PBS.

More community television channels today have less to do with activism. We have matured with staff and financing into “respectable” community institutions concerned with survival beyond principles. On one hand we should celebrate becoming community institutions, but it invites more traditional media folks to join our ranks because the paychecks are decent and we have health benefits. Most of the early pioneers are realizing they have no retirement and need to seek comfort over preservation of the “cause.” Young people come into community television and see a career, not a cause. The “piss and vinegar” of our youth has been replaced by “martinis and olives.” We have become “comfortably numb.”

I suppose it is somewhat understandable, maybe even smart, to be the lap dog of our cities because we get most of our funding from them. But when push comes to shove (and it will) we will have to trade principles for profit. We will start to look like all the other channels and folks will wonder why we—in this capitalist economy—don't “fend for ourselves” and become self-supporting like PBS. They run commercials now. They are marketing their “extra digital spectrum” to commercial providers. They

have dropped almost all that “pesky, expensive” local programming for the “broadcast quality,” though no less expensive, stuff flowing down like acid rain from satellites. They dodge controversy because “it cuts into the bottom line.”

If this happens to us, we don't deserve our channels. One of the fundamental legal standings for “taking” these channels from the cable company is the open forum argument. The Fifth Amendment

to the U.S. Constitution concludes with the words “...nor shall private property be taken for public use without just compensation.”

Maybe the tradeoff for the cable operator's use of the rights-of-way will cover us, but the franchise fees already suck up most of that. The courts have validated these channels because they are public fora, open space, content neutral, etc. If we begin to operate them as ‘club TV’ or the ‘voice of the majority’ we lose the legal underpinning that substantiates the channels. The beauty of the Bill of Rights is that it protects the minority from the tyranny of the majority.

Our challenge is to constantly examine our reason for being. We aren't just TV. Community television was created as a free speech platform open on a first come, first served basis to all—content neutral. If we succumb to the siren call of popularity, ratings and ‘white bread’ offerings, then this historically unique and noble experiment in free expression is lost.

Can we do the delicate dance of staff-produced, quality local programming while encouraging citizens to continue to produce even if they “bite the hand that feeds us?”

PBS hasn't been able to, let's hope we can.

Dirk Koning (dirk@grcmc.org) is executive director of the Community Media Center in Grand Rapids, Michigan.

The Policy of Convergence: Threat or Opportunity for Local Government?

BY LIBBY BEATY

It is easy to imagine a converged world in which consumers receive voice, video and data through a single wire-line or wireless service and have choices amongst multiple providers. While it is easy to imagine this new world, it will not be as easy to craft a communications policy for this new world. And time is of the essence, because already Internet Protocol (IP)-enabled services have allowed what used to be sole providers of voice, video and data to enter each others' dominions, and have spawned new competitive enterprises that strain our existing regulatory structure.

This trend towards IP-enabled services delivered over broadband holds great promise and even greater challenges. As services are shifted off of traditional platforms like wireline telephone and cable, it affects the underlying regulatory structure under which they came into being. As video shifts from the cable platform to the cable modem platform, so too will the revenues derived by local governments under their traditional cable franchises. And it is likely that shift will create new pressures on local government to find funding for traditional services like PEG. The challenge we all face, local government and access program providers alike, is to find creative means to preserve those services which are currently provided, while not ignoring the future and promise of IP-delivered services.

With the concentration that has occurred within the media marketplace over the past few years, the choices and voices of localism are challenged more than ever before. The role that our local governments and their access providers play in educating and stimulating the needs and interests of our local citizenry is more important than ever. While continuing to serve in a world that is analog and wire-based, we must complete our own transitions to digital and packets. In order to do so, we must preserve the very important public interest obligations of those using public resources to ensure the preservation of the valuable tool in our democracy.

IP-enabled services will drive the development of a new communications policy, and will necessarily include policy considerations such as regulatory parity and the public interest.

In writing the Telecommunications Act of 1996 (1996 Act), legislators were aware of convergence, but did not plan for a network boundary breaking platform, such as IP-enabled services. IP-enabled services will drive the development of a new communications policy, and will necessarily include policy considerations such as regulatory parity and the public interest. As Congress works to craft new communications policy, there will be much debate and a variety of views expressed. It is important that the role local government plays and the importance of community media, is not lost in this debate.

Years of discussion and debate preceded Congress' passage of the 1996 Act. In this landmark legislation Congress rewrote aspects of our nation's communications policy, providing regulatory relief with the view that the efficiencies of a competitive marketplace would meet most public interest goals through lower prices, better quality and more choice for consumers. While providing regulatory relief, Congress also preserved some of the traditional public interest goals such as Universal Service, Disability Access, the 911 system and Communications Assistance for Law Enforcement. Despite these efforts, eight years later, consumers do not have much more choice in the video or local telephony market. However, with the proliferation of the Internet and wider deployment of broadband, consumers do have greater choice in the broadband market.

IP-enabled services over these broadband connections now have the ability to turn the telecommunications industry on end, creating a highly competitive market with greater consumer choice. Entrenched competitors, who chose not to compete with other incumbents in their core business areas, may soon have no choice.

With only a broadband connection needed to subscribe, IP-enabled service providers like Vonage are offering new services, including Voice over Internet Protocol (VoIP). Cable companies are now moving to offer VoIP services to their customers, with one of the largest cable companies promising the majority of their customers will be offered the service before the end of 2004. And, voice is just one of the services being offered. Others have already begun to experiment with the delivery of video over IP—from feature length movies on demand to news and public interest reports.

As the platform over which voice, video or data service is received is fast becoming irrelevant, Congress will need to rewrite the Communications Act. Those telecommunications sectors that perceive themselves to be more highly regulated argue for equality in the form of regulatory relief to be able to better compete. Unfortunately, the approach is often one looking for that which seeks the lowest common denominator, and not one which raises all providers to higher, better standards of performance and service. These calls for regulatory relief began with the passage of the 1996 Act, and have become more fervent as VoIP becomes more prevalent. While regulatory parity will be a major goal of a new communications policy, forbearance from excess regulation will be championed by the telecommunications industry as a whole. Companies that are offering or plan on offering IP-enabled services want to be able to do so without the legacy constraints of their former offerings. In fact, legislation has already been introduced in Congress to prevent the regulation of VoIP services. While these pieces of legislation are not likely to move forward in this session of Congress, the ideas behind the legislation will be carried forth

in this debate. Some legislators will advance a “free-market” agenda with the view that public interest is best served through competition. Other members will recognize the need to require providers to meet public interest obligations, justified through their use of limited public resources, such as spectrum, and public rights of ways, and based on the very nature of the communications industry and its importance to our democracy.

This trend towards IP-enabled services delivered over broadband holds great promise and even greater challenges. As services are shifted off of traditional platforms like wireline telephone and cable, it affects the underlying legacy regulatory structure under which they came into being. As video shifts from the cable platform to the cable modem platform, so too will the revenues derived by local governments under their traditional cable franchises. And it is likely that shift will create new pressures on local government to find funding for traditional services like PEG. The challenge we all face, local government and access program providers alike, is to find creative means to preserve those services which are currently provided, while not ignoring the future and promise of IP-delivered services.

Further, with the concentration that

has occurred within the media marketplace over the past few years, the choices and voices of localism are challenged more than ever before. The role that our local governments and their access providers play in educating and stimulating the needs and interests of our local citizenry is more important than ever. While continuing to serve in a world that is analog and wire-based, we must complete our own transitions to digital and packets. In order to do so, we must preserve the very important public interest obligations of those using public resources to ensure the preservation of the valuable tool in our democracy.

It is critically important that as Congress works to craft new communications policy that individuals in support of the public interest in the form of localism and community based programming speak loudly. While there will be much disagreement amongst different types of providers as to what constitutes a level playing field or regulatory parity, there will be agreement amongst the industry, given the blank slate on which this communications policy may be developed, that Congress should forbear from excess regulation. And, given that only cable provides capacity for PEG today, there will be pressure to remove that requirement in the name of equality or parity.

The risk is that in the creation of an entirely new policy, traditional public interest obligations and the value that localism and diversity of voices will be lost in the debate or even ignored, but there is also enormous potential. It is important that local governments and their access community not only demonstrate to legislators the benefits and importance of local community-based programming and access channels, but their potential to serve the public in an IP-enabled world.

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Acme Cable Destruction, Inc. Road Runner or Wile E. Coyote?

BY DIRK KONING

Sources requesting anonymity report that high-level discussions among lawyers in the cable industry have included Constitution-based rationale for the elimination of public access. Try these arguments on for size:

First Amendment Grounds. The cable industry is a ‘speaker’ and its members’ First Amendment speech rights are violated by forcing them to carry PEG access. This ‘telepublisher’ model equates cable operators to a newspaper. That is, it would be unconstitutional for a city to require a newspaper that uses the public rights of way (its streets) to hand over a blank page to a public access group to facilitate messages from the community and then make the newspaper distribute those messages.

Fifth Amendment Grounds. The last sentence of Amendment V to the United States Constitution states, “...nor shall private property be taken for public use without just compensation.” Some cable industrialists may argue the franchise fee payment covers the quid pro quo trade out for the

public rights of way, and that the “taking” of the channels (i.e., private property) without just compensation (i.e., cash) is unconstitutional.

Fourteenth Amendment Grounds. “...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.” This is arguably the weakest link of the three approaches, but there is a long history of due process rulings, and to hear cable industrialists claiming that public access channels deprive them of ‘property’ isn’t that far-fetched.

*•The war for liberty never ends. One day liberty has to be defended against the power of wealth, on another day against the intrigues of politicians, on another against the dead hand of bureaucrats, on another against the patriot and the militarist, on another against the profiteer, and then against the hysteria and the passions of the mobs, against obscurantism and stupidity, against the criminal and against the overrighteous. In this campaign every civilized man is enlisted till he dies, and he only has known the full joy of living who somewhere and at some time has struck a decisive blow for the freedom of the human spirit.**

—Walter Lippmann

Stay Tuned: Fulfilling Cable's Promise in the Franchise Renewal Process

BY JEFFREY CHESTER

Editors Note: This speech was delivered at a Symposium on the Los Angeles Cable System on March 4, 2004 to lay the groundwork for the public interest during upcoming cable franchise negotiations. It serves as a helpful template for pending negotiations in all parts of the United States.

Cable is the leading provider of both multichannel TV and broadband access in the U.S. It is now an essential "lifeline" to the digital age, delivering hundreds of channels, on-demand content, and interactive online applications. Los Angeles' citizens, consumers, nonprofits, and businesses will increasingly rely on the infrastructure—the upgraded cable plant—that will be developed as part of the franchise renewal process. Given the city's diverse population and leading role in media production, it is incumbent upon Los Angeles to negotiate an agreement that genuinely reflects the region's varied demography and dynamic economy.

The cable industry has not always been a willing partner in meeting these several needs, however. Cable operators have often fallen short in providing communities with networks of sufficient capacity for two-way interactivity, for example, failing to deliver system upgrades in a timely fashion and limiting the amount of fiber in their hybrid fiber/coax (HFC) systems. Much more capable, "next-generation" set-top boxes are long overdue, and broadband Internet connections have been less than robust (reflecting the industry-wide decision—which speaks volumes about the vision of the field—to devote less than one percent of total system capacity to Internet transport).

On the regulatory and legal front, the cable industry has proved even more recalcitrant. It has fought to prevent any "open access" provisions that would permit Internet Service Provider (ISP) competition, and has similarly opposed nondiscriminatory transport guarantees for Internet traffic. In communities such as San Jose, California, cable has rejected the city's request for a set-aside of up to 10 percent of system bandwidth for public

use, and for an institutional network for city buildings and school—the basis for a range of digital services that other cities have used to foster public expression and civic participation. In light of the industry's unfortunate record at the franchise bargaining table, then, the Los Angeles City Council should be fully prepared to confront the cable incumbents' likely objections to a franchise that will make Los Angeles a national leader in providing 21st century cable-related benefits to its residents.

In this critical period of transition—from analog to digital, from dial-up to broadband—the stakes are even higher for local governments when dealing with cable franchise renewals. As more Americans—citizens and consumers alike, nonprofit organizations and commercial enterprises—rely on cable broadband connections, the city must ensure that the network is both robust and readily accessible, so it can foster the full range of civic, educational, and cultural applications that are essential to the growth of the community.

Listed below are ten areas of concern—five overarching themes and five specific franchise requests—that hold the key to realizing the full potential of cable in the broadband era.

1. Digital Democracy: Growing numbers of citizens are engaged in civic activities online. From license renewals to voter education to legislative and regulatory affairs, LA's citizens will rely on the cable network for interactive access to government-related services. The public should have easy access to this "online civic sector," everything from candidate profiles and electoral issues to discussion forums and interactive town meetings.

The e-Gov FirstStop (<http://www2.ctg.albany.edu/egovfirststop/>) website, a project of the Center for Technology and Government (www.ctg.albany.edu) at SUNY-Albany, offers online resources on the use of information technologies in the public sector.

2. Economic Development: Small neighborhood businesses and entrepreneurs are the lifeblood of the local economy. In order to survive, let alone prosper,

they will need to utilize online services for marketing and purchasing. Commercial start-ups from diverse groups are especially vital to LA's well being. Cable must provide all neighborhoods with a network and a service model that supports the growth of community commerce.

Cornell University and Penn State University have collaborated on the Community and Economic Development Toolbox for rural communities (<http://www.financeprojectinfo.org/Rural/ruralecodevelopment.asp>). Other resources are available through the USDA (<http://www.ezec.gov/Toolbox/>) and the University of Illinois (<http://www.communitydevelopment.uiuc.edu/cfarsriit.html>).

3. Independent Media Production:

LA's role as a global center for production and distribution will be affected by the cable franchise. First, the city must ensure that fiber connections are available to support high-bandwidth applications for the myriad of production centers. Second, LA's cable systems must support independent production and distribution by ensuring they have access to video servers, electronic program guides, set-top storage devices, and other network elements essential to broad consumer access.

Comcast's new On Demand programming service is a good example of what the new digital cable platform could offer to independent producers and programmers if it were an open rather than a closed system. (<http://www.comcast.com/Benefits/CableDetails/Slot2PageOne.asp>).

4. Non-Discrimination: Cable has sought favorable rulings at the FCC that shield it from competition in the broadband Internet's critical "last-mile" connections (as have the former "Baby Bells" for their DSL networks). Leading scholars and media companies—including Amazon, Microsoft and Disney—have urged for a policy of "network neutrality" that would ensure all applications are treated fairly. While these issues are the subject of litigation and federal debate, LA should receive written assurances from every cable company that they will treat all applications in a wholly "neutral" fashion.

Scholars Tim Wu and Lawrence Lessig

have discussed the importance of preserving network neutrality in the broadband environment in a filing (PDF) with the FCC. (http://faculty.virginia.edu/timwu/wu_lessig_fcc.pdf).

5. Capacity: Today's cable plant can deliver hundreds of channels and broadband access. But cable has traditionally devoted just a single channel to broadband transport—clearly insufficient for LA's advanced communications needs. Cable operators must make additional bandwidth available to ensure a robust platform for Internet applications. In addition, cable companies should provide video channel capacity for programmers offering city-based services who are unfiliated with the cable industry.

Andrew Afflerbach analyzes existing cable systems and assesses the potential for a public interest architecture" in his "Technological Analysis of Open Access and Cable Television Systems." (http://archive.aclu.org/issues/cyber/broadband_report.pdf).

If these are the broad outlines of a cable system that finally fulfills its civic potential, the basic elements of a successful franchise renewal are as follows:

1. The PEG Platform: While Public, Education, and Government-access channels have long been at the heart of franchise negotiations, this platform must now be brought into the 21st century, taking full advantage of the new capabilities—including digital multicasting, video on demand, and interactive data services—that are part of modern cable systems today.

One of the best examples of forward PEG thinking is the Grand Rapids Community Media Center (www.grcmc.org).

2. Spectrum Flexibility: One of the keys to the reinvigoration of PEG is the shift in our thinking from discrete video channels to a more flexible bandwidth set-aside—75 MHz to 86 MHz. Such capacity (representing some 12 to 14 analog channels or 60 to 80 digital channels) can be put to a variety of public-interest uses, including traditional video programming but by no means restricted to that paradigm.

The International Engineering Consortium's On-Line Education program (www.iec.org/online/tutorials) includes tutorials on Hybrid/Fiber Coax HFC Networks (www.iec.org/online/tutorials/hfc.dwdm/) and on Cable Modems (www.iec.org/online/tutorials/cable_mod/).

opic03.html).

3. Institutional Network: A high-speed institutional network can be used to link more than municipal departments and buildings. Such networks can encompass a wide range of community resources—from schools and libraries to social service agencies and cultural organizations—adding much needed civic, educational, and cultural content to an online world that is fast becoming merely another outlet for the entertainment conglomerates.

The Pittsburgh I-Net Working Group maintains an online compendium of information and articles on institutional networks (<http://www.pgh-inet.org>).

While [traditional] programming will continue to be important during this time of transition, it is not too early to begin planning for the next generation of public service programming—both interactive and archival, with real-time, on-demand transactions and other residential, business, and mobile services transmitted by a variety of wired and wireless devices.

4. Support Structures: Without the rich programming resources to flow through them, cable's PEG pipes mean little. But such operations cost money, and serious consideration must be given to expanding PEG support beyond the traditional sources (which include up a negotiated amount for PEG equipment and facilities, and whatever share of the five percent franchise fee that is earmarked for PEG programming) to include entirely new funding structures that draw on public and private sources alike.

The Alliance for Community Media website includes news and information relating to public access funding issues (<http://www.alliancecm.org>).

5. System Extensibility: Although cable franchise agreements are normally measured in 10- to 15-year segments, the technologies involved mature much more swiftly. Thus local franchise authorities should build provisions into their agreements for ensuring that PEG and other public interest aspects of the system can take full advantage of the technological advancements that occur during the term of the franchise.

The CableLabs (www.cablelabs.org) website offers a glimpse of the future of cable, including next-generation cable modem (www.cablemodem.org) technologies.

With a concerted effort at the upcoming

franchise renewal negotiations, and with adequate funding thereafter, Los Angeles' new digital PEG platform could prove to be a model for the nation. These new facilities could serve, in effect, as laboratories for the exploration of community, educational, and municipal services using the new broadband technologies that the cable industry will be introducing over the next several months, including video on demand, interactive television, streaming media, voice over IP, wireless networking, and whatever other new applications that will become possible once cable upgrades to DOCSIS 2.0 (www.cablemodem.com) and PacketCable

(www.packetcable.com) implementations (the networking and interface protocols and specifications for delivering advanced, real-time multimedia services over two-way cable plant).

Traditional PEG programming, offered over analog video channels, has served communities well for some three decades. While such programming will continue to be important during this time of transition, it is not too early to begin planning for the next generation of public service programming—both interactive and archival, with real-time, on-demand transactions and other residential, business, and mobile services transmitted by a variety of wired and wireless devices.

As the cable industry and others in the media marketplace actively seek the next "killer apps," in other words, we should be no less ambitious in discovering their public-interest counterparts, online applications that place the power of advanced telecommunications squarely in the hands of citizens and the community organizations that serve them.

Jeffrey Chester (jeff@democraticmedia.org) is executive director of the Center for Digital Democracy (www.democraticmedia.org), a nonprofit organization dedicated to preserving the openness and diversity of the Internet in the broadband era, and to realizing the full potential of digital communications through the development and encouragement of non-commercial, public interest programming.

Legal, Regulatory and Legislative Threats to PEG Access

by James N. Horwood

Earlier this year I appeared on a discussion program on MCTV, the public access channel in Montgomery County, Maryland and was asked by the host/moderator to describe the general state of PEG access across the country. The first thought that came to mind, and from there out of my mouth, was "under siege." Upon further reflection, that sound bite still best captures my views. Some of the threats are direct and obvious while others are indirect, but no less real. The two on which I place the most emphasis in this article are a challenge by Comcast to the franchise renewal process in San Jose, California and issues involved with converging technologies. The Comcast challenge in San Jose, if successful, could greatly impair the ability of local franchise authorities to require capacity and support for PEG access. As technologies converge and services are delivered over a single platform, there will be unrelenting pressure from industry for comparable government treatment of all providers and for it to be for minimal government involvement. This will place cable franchise fees, and resources available for PEG, at great risk.

Comcast v. San Jose

The most direct challenge to PEG involves a pending cable franchise renewal in San Jose. The city conducted a formal community needs assessment and issued a request for renewal proposal (RFRP). The city council found that the proposal submitted by Comcast in response to the RFRP was inadequate to address community needs, preliminarily denied the renewal and authorized the city manager to commence the administrative hearing required by the federal Cable Act. The city selected a hearing officer and established a set of rules for conduct of the hearing. Comcast objected to the rules and filed a complaint for injunctive and declaratory relief in federal court. Comcast alleged that (1) the RFRP included illegal conditions that unlawfully burdened its right to free speech, (2) the rules for the hearing vio-

lated Comcast's procedural due process rights, (3) the RFRP and the rules violated the federal Cable Act, (4) the RFRP, by requiring Comcast to incur costs to construct an institutional network linking city buildings that would ultimately be passed through to subscribers, violated state law, and (5) the rules improperly provided for the hearing to be conducted before a hearing officer rather than before the city council.

Comcast filed a motion for a preliminary injunction, seeking to stop the administrative hearing. In September 2003, the court denied Comcast's motion. It ruled that Comcast's claims under the Cable Act were not ripe, since the City had not denied Comcast's application for a renewal and Comcast had not yet been adversely affected. As for Comcast's claims under the First and Fourteenth Amendments, the court found that Comcast had not demonstrated probable success on the merits and the possibility of irreparable harm. The court said the city's renewal requests are "content-neutral," serve the important government interests identified in the 'Needs and Analysis Report' provided to Comcast, and appear to be narrowly tailored to achieve these needs."

Particularly important are the court's findings that First Amendment considerations did not constitute a basis for stopping the renewal proceeding at the outset and that the city council itself did not have to preside over and attend the on-the-record administrative Hearing required by the federal Cable Act, but could delegate the conduct of the hearing to a hearing officer. The judge observed that the "city's day-to-day operations could come to a grinding halt if the council was required to conduct an administrative hearing in this case..."

The administrative hearing is scheduled to begin in December. The outcome of that hearing, the action ultimately taken by the city council, and any appeal of the reform (if the council were to deny renewal) will be of critical importance to the ability of local franchise authorities to require capacity and support for PEG

access in the future. Unless the parties settle their dispute beforehand, action by the city council is probably a year away.

Converging Technologies

There will be considerable efforts by industry to eliminate (or greatly reduce) all forms of government control or regulation of video, voice and data services as they are delivered over the same physical platform. The buzz words will include "level playing field," "innovation," and "encourage investment." The issue is squarely and immediately presented in the evolution and shift of traditional telephone service from the public switched telephone network onto IP-enabled services (services accessed over the Internet). The regulatory treatment of Voice over IP (VoIP) has been the subject of court litigation, FCC orders and in a broader rule-making proceeding initiated by the FCC in March dealing with IP enabled services. In its notice of proposed rulemaking, the FCC asked a series of question that frame the issue from its regulatory viewpoint:

IP-enabled services, such as VoIP, also can be—and often are—provided over cable facilities. What impact, if any, should the provision of broadband over cable plant have on the Commission's treatment of IP-enabled services? What effect, if any, does Title VI of the Act have on any potential regulation of cable-based IP-enabled services? [For example, Title VI and our implementing rules govern the video programming that a cable operator must carry...; establish rules that prevent a cable operator from unfairly withholding affiliated video programming...; and establish and limit the authority for local franchises to regulate cable operators.] If the Commission determines that IP-enabled services, or any particular class of IP-enabled services, are telecommunications services, should the Commission forbear from applying certain Title II provisions to cable providers' offering IP-enabled services? Alternatively, if the Commission determines that some or all IP-enabled services constitute information services, could the Commission use its ancillary

jurisdiction to apply any Title II-like obligation to any cable providers of IP-enabled services? If so, what is the basis for an exercise of that authority? Finally, is any class of IP-enabled services properly classified under the Act as "cable service"? If so, what regulatory requirements, if any, would apply to those services? Specifically, should any class of VoIP or other IP-enabled service be construed to be a "cable service" for franchising purposes? In responding to these questions, we ask commenters to explain whether the Commission should make any distinction among categories of cable providers for regulatory purposes.

What does this mean for PEG access? If services delivered over an IP platform are not considered "cable service," there would likely be either limited ability, or no ability, for local governments to franchise such service or collect franchise fees from such service. We have seen this happen with cable modem service (delivered over the Internet) where, because of an FCC finding that it is not a "cable service," cable operators have refused to include the revenues from cable modem service in calculating franchise fee payments. A reduction of franchise fee revenues will inexorably translate into a reduction in resources available for PEG unless a different model for PEG funding is developed and implemented. (We are currently seeing pressure to reduce funding for PEG as cash-strapped local governments look to franchise fee revenues to fund its activities—this at times pits governmental, educational and public access interests against each other in seeking shares of a reduced pie.)

The concern of local governments and PEG access interests over loss of franchise fee revenues associated with services delivered over an IP platform has been a major factor in efforts by them to defeat the Internet Tax Non-Discrimination Act in Congress this year, because, among other concerns, passage of that Act as proposed, which would have greatly expanded the scope of the Internet Tax Freedom Act of 1998, could eventually lead to elimination of cable franchise fees if cable is delivered over an IP platform. The U.S. Senate passed a bill that moderated the bill to extend the existing moratorium on state and local taxes on Internet access and electronic taxes, but grandfathering existing taxes. It exempts

WHAT'S IN A 'TITLE'? A QUICK REFERENCE

The FCC regulates telecommunication services under the Cable Communication Act of 1934, as amended by the Cable Act of 1984 and by the Telecommunication Act of 1996. The law is categorized into "Titles," three of which are of greatest interest to us.

Title II: Regulation of common carriers, which includes providers of "telecommunications services," primarily telephone.

Title III: Regulation of broadcast radio, television and mobile services.

Title VI: Regulation of cable television services.

The FCC has classified cable modem service as an interstate "information service," and as such would not be subject to the requirements of either Title II or Title VI. Its decision has been reversed by the U.S. Court of Appeals for the 9th Circuit, and it may seek a review of that decision by the U.S. Supreme Court.

taxes on charges for VoIP from the moratorium. The bill passed by the House, however, is not so moderated and the outcome awaits the result of conference between the Senate and House.

A La Carte Pricing of Cable

An issue that has recently surfaced is federal legislation introduced this spring that would provide for a la carte pricing of cable channels to replace the packaging and bundling now prevalent. The issue is complex and has resulted in a split within the public interest community. On the one hand, consumer organizations welcome the prospect of consumers being able to choose and pay for only those channels they want to receive (the cable industry argues that a la carte requirements will drive up the cost to consumers of cable programming, in part because of a loss of advertising revenues). Others see a la carte pricing as a threat to diversity of programming. Also speaking against the scheme, the Minority and Media Telecommunications Council commented in a letter to Congress:

The beauty of multi-channel cable and satellite is that they offer exposure to new and previously unfamiliar channel offerings. Fifteen new multicultural channels—most of which are minority-controlled—are in various stages of development or distribution.

Under a la carte, viewers would seldom purchase channels they've had no chance to see. New channels would need to build loyalty through word of mouth...

Our nation's success as a pluralistic society depends profoundly on diversity in the media. New multicultural channels offer the very best hope of enhancing the

viewpoint, cultural and language diversity available to the American people. By locking in the current channel lineup and locking out new multicultural channels, a la carte would unintentionally deprive the next generation of viewers of a broad spectrum of programming and opinions.

PEG access would suffer under a pure a la carte regime, but it may be possible to strike a middle ground by providing for a basic package of channels that would include PEG and perhaps other nonprofit channels, with a la carte required for other channels. Even such a solution might be problematic, however, because it would isolate PEG from many other channels and could adversely affect its funding. The a la carte issue will pose an interesting and challenging issue moving forward. The legislation has been withdrawn because it was not germane to the bill to which it was proposed to be added as an amendment. The proposal will no doubt resurface during the next session of Congress.

Dealing with and trying to manage the threats brought about by cable operators such as Comcast, and of converging technologies and a la carte pricing will require considerable attention by the Alliance over the coming years.

Jim Horwood is a partner in the Washington, D.C. law firm of Spiegel & McDiarmid where he specializes in telecommunications, First Amendment and energy law. He has served since 1990 on the Board of Directors of the Alliance for Community Media as Special Appointee, Legal Affairs.

The WTO Threatens Local Franchises and National Media Reform? **Believe it!**

BY LAUREN-GLENN DAVITIAN

Why should you care about global trade agreements? As an advocate for public access TV and community media in Vermont, I've worked for the past 20 years to ensure that our state laws provide channels and funding for free speech and local voices. But it was not until I attended the National Media Reform Conference in Madison, Wisconsin in November 2003 that I had any inkling that our progress in Vermont and the hard work of Alliance members to negotiate new franchises and secure the public interest as part of national media policy is now threatened by global trade agreements.

This clear and present danger can be summed up as follows:

At the same time that there is a genuine media reform movement in the United States (demonstrated by the immense public reaction to the FCC's proposed lifting of media ownership restrictions), media conglomerates are turning their attention to international trade forums where they face less public opposition to their efforts to define media and communications issues as entertainment rather than unique cultural assets that must be protected through public interest requirements forged on national levels through democratic processes.

By this time next year, under new rules at the World Trade Organization (WTO), the requirements of the 1984 Cable Act (including franchise fees) could be classified as "restraint of trade" and rendered null and void through a closed-door process dominated by trade lawyers representing major corporate interests. Other nations that value cultural diversity, local languages and public subsidies for non-commercial media will be (and have been) faced with the same argument and limited recourse.

The real playing field. What are the international trade forums where these decisions are being made? You've heard the acronyms: NAFTA (North American Free Trade Agreement), FTAA (Free Trade Area of the Americas), GATT (General Agreement on Tariffs and Trade), and the

WTO (World Trade Organization). The WTO oversees 23 trade agreements that set the global rules for trading goods and services in sectors that range from agriculture to insurance and, of interest to community media workers, audio-visual services and telecommunications.

As of this writing, the WTO is working in Geneva, with limited public input, to expand the scope of GATS—the General Agreement on Trade in Services. WTO member countries currently are deciding the new service sectors they want to add

and committing to GATS rules and thereby removing barriers that prevent them from trading "freely" in these sectors with other WTO members. The final version of GATS rules for these services will come to Congress for approval in late 2004 or early 2005. By agreeing to the inclusion of audio-visual and telecommunications services to be covered by GATS, Congress will open the door to

world trade rules that are able to supercede the few U.S. national policies that remain to protect free speech, local ownership and cultural diversity.

A true story. The implications of GATS' effect on a country's right and ability to preserve its national media policies and maintain its national identity is demonstrated in the trade dispute between the United States and Canada over "split run" magazines and the subsequent rulings by the World Trade Organization in 1997 that superceded Canada's own laws.

Canadians have long believed that Canadian magazines are integral to the development of their unique culture and identity. Today, there are 1,400 Canadian magazines, selling five million copies, generating \$1 billion in revenue each year. The U.S. exports \$700 million worth of magazines into Canada each year—80 percent

of Canadian newsstand sales—compared with the \$60 million in magazines exported from Canada to the US.

"Split run" magazines. In an effort to protect Canadian-owned publications from losing advertising revenue to U.S. magazines, the Canadian government banned split run magazines (magazines with U.S. content that solicit Canadian advertising for distribution in Canada). In 1995, to the chagrin of U.S. publishers, the government levied an 80 percent excise tax on all foreign advertising in Canadian



Following a march on November 20, 2003, police clashed with protesters in Miami. Police used tear gas, fired rubber bullets into the crowd, used electronic tasers and other less lethal weapons against protesters, injuring protesters and bystanders. International trade pacts, such as the WTO, or hemispheric like the FTAA, favor transnational corporations over community control.

magazines. The U.S. government launched a challenge before the WTO, stating that while they were supportive of efforts to promote national identity through cultural development, they could not "allow Canadian entities to use 'culture' as an excuse to provide commercial advantages to Canadian products or to evict U.S. firms from the Canadian market. We will continue to vigorously oppose actions of this type that harm U.S. market interests, whether taken by Canada or by other countries." The U.S. argued that measures to "ensure 'original content' in magazines sold in Canada...would be contrary to the object and purpose" of the WTO.

In March 1997, a WTO panel found the Canadian measures to be in violation of General Agreement on Tariffs and Trade (GATT) rules—rules that forbid discrimination and import restrictions. In 1999, as

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FOR MORE INSIGHT

THE WORLD TRADE ORGANIZATION (WTO)

You can learn more about the services the WTO is considering as part of GATS directly:

http://www.wto.org/english/tratop_e/serv_e/serv_e.htm

COMMUNICATIONS RIGHTS IN THE INFORMATION SOCIETY (CRIS)

CRIS is a campaign to ensure that communication rights are central to the information society and to the upcoming World Summit to the Information Society (WSIS)

<http://www.crisinfo.org/> and schock@riseup.net

FREE PRESS

Learn about global media policy, and take action to make it more democratic, open, and accountable to the public interest. This will lead you to a host of related and helpful resources.

www.freepress.net/global and global@freepress.net. Also <http://www.mediareform.net/global/>.

UNITED STATES TRADE REPRESENTATIVE

Get contact information at www.ustr.gov

CONTACT YOUR FEDERAL LEGISLATORS

Use the Alliance's handy-dandy (and powerful) Legislative Action Center

<http://capwiz.com/alliancecm/home/>

READABLE BRIGHT LIGHTS AND CLEAR VOICES

Folks listed below are deep in the struggle to protect local rights, including media rights, from the perils of world trade:

NAOMI KLEIN—Internationally regarded, charming award-winning and highly-readable Canadian journalist, whose commentary can be found at:

The Guardian

<http://www.guardian.co.uk/Columnists/Archive/0,5673,-991,0.html>

The Nation

<http://www.thenation.com/directory/bios/bio.mhtml?id=337>

Her books, *No Logo* and *Fences and Windows: Dispatches from the Frontline of the Globalization Debate* are understandable and essential reading about the challenges of world trade and its impact on local communities.

LORI WALLACH—"Trade lawyer by training and an activist by necessity," Ms. Wallach runs Public Citizen's Global Trade Watch. She has recently published, with Patrick Woodall, *Who's Trade Organization? A Comprehensive Guide To the WTO*, another readable and indispensable guide to the impact of the WTO on, among other issues, media concentration. The book and othersIt can be ordered at <http://www.citizen.org/tradel>.

a result of the WTO rulings, Canada eliminated its excise taxes on split run magazines, "harmonized" the postage rates for domestic and foreign publications and changed the way they provided postal subsidies for certain Canadian magazines and newspapers. (For more on this story see: "Culture Wars: Canadian Magazines and the Fight Against American Split Runs" by John Valentine, http://www.ualberta.ca/~parkland/post/OldPost/Vol3_No2/Valentine-magazines.html).

What can—must we do? Clearly, all of our local and national efforts to protect free speech, local content, local ownership and public subsidies for the use of cable television and other telecommunications services are at risk. This year's update of GATS will enable U.S. media corporations to pry open the markets of member nations while their international partners argue that the public interest provisions of U.S. national media policy stand as barriers to free trade.

Think of this as the international version of de-regulation. As community media workers concerned with preserving public access and funding for free speech channels, it is essential that we concern ourselves with the global trade picture. To protect the public interest we must join with media activists across the world and work purposefully toward global media equity.

Where do we start? There is a growing momentum within UNESCO for a "convention on cultural diversity" that would result in a new international treaty designed to allow every country the right to create cultural policy without fear of multi-million dollar trade sanctions.

This convention is being drawn up now and will come up for debate and a vote in the fall of 2005. You can join the U.S. activists who are working as part of the U.S. chapter of the global campaign for Communication Rights in the Information Society (CRIS). CRIS is linked to an international network of nongovernmental organizations (NGOs) that established itself in response to the World Summit on the Information Society (WSIS) and is now focusing on the Convention on Cultural Diversity

(www.crisinfo.org and schock@riseup.net).

Diversity. Also, the Free Press organization has created the Global Communication Project that is gathering resources and developing a group of allies to pressure Congress to support the Convention on Cultural Diversity. Find out more at www.freepress.net/global or contact Free Press at global@freepress.net.

AND you can take action closer to home:

▲ Spend a little more time to learn more about global trade and the media by visiting the links below.

▲ Work with local activists (on all sides of the political spectrum) to produce and cablecast programs on global trade and media reform that will educate the members of your community.

▲ Call the Office of the U.S. Trade Representative(www.ustr.gov) and request info on what media services are being negotiated as part of the GATS.

▲ Contact your members of Congress and the Senate today to find out their position on global trade, and to educate them on your concerns for protecting supporting national policies that protect the public interest (www.congress.org).

▲ Contact your legislators again when GATS goes to Congress for approval at the end of this year, and insist that the trade provisions protect the existing public interest policies (www.wto.org).

▲ Most of all, start to think beyond the scope of your local access channel

and understand that the future of community media depends on your ability to join in coalition with media activists from

around the country and the world to protect free speech and democratic communications!

Special thanks to Chris Slevin of Public Citizen, www.citizen.org, and Sasha Costanza-Chock of the Free Press Global Communication Project, www.freepress.net/global.

Lauren-Glenn Davitian (Davitian@cctv.org) is executive director of CCTV's Center for Media and Democracy based in Burlington, Vermont (www.cctv.org).

For organizations working on globalism and media issues, visit www.cctv.org\WTO_mediapolicy

Property Rights, Federalism and the Public Rights-Of-Way¹

BY NICHOLAS P. MILLER AND HOLLY L. SAURER

Private communications companies claim the right to use public rights-of-way for free to conduct their business. They characterize any restrictions on that use as "regulation." They ignore the underlying property rights of taxpayers and local governments. They want to avoid paying fair rent to the local government for the placement of permanent, stationary facilities in the streets and roads. Local governments and their citizens are not defenseless against this onslaught. Cities and counties have the same constitutional protections as private property owners. It is time for the companies, and the courts and legislatures, to think about it this way.

Public rights-of-way are real estate. These real estate interests belong to the community—to the taxpayers. This real estate is held in trust by the local government for the benefit of the community and should be allocated to its highest and best use. Taxpayers are intolerant of the federal government selling offshore oil leases or Western timberlands for less than fair market value. In the same manner, public rights-of-way are a limited, valuable and important community asset which must be allocated to their highest and best use. Neither a private company nor the federal government can use that property without the owner's permission. While the exact property rights involved may vary from street to street and from state to state, in almost every case the local government is responsible for the operational management and preservation of the rights-of-way. This requires balancing current against future uses in the face of multiple, competing demands for the rights-of-way. The various parties who gain benefits from that use should pay fair value for the resource provided to them by the taxpayer.

Under our Constitutional system, a government receives its authority from the consent of the governed. Thus, no matter what the form of property ownership, a local government holds property in trust for its people. This does not pre-

vent a local government from obtaining fair compensation on behalf of its citizens. A trustee is required to charge reasonable rent, measured by the value of the property and local custom.

A local community's property rights over its streets and roads are distinct from the regulatory authority it may exercise as part of its specific governmental powers. Thus, even where the federal government preempts state or local regulation of services, state and local governments may continue to exercise their proprietary rights. The federal government cannot deprive a state of property within its own borders without infringing upon the state's sovereignty. The federal courts have long recognized that local governments, as subdivisions of the states, have the same Fifth Amendment rights to own and control property as private citizens.

The fundamental power to charge a fee or rent for use of the public rights-of-way derives from state and local, not federal, law. For example, the federal Cable Act does not create the authority to charge cable franchise fees. States and local governments hold that power independent of any federal grant. The right to charge franchise fees is based on the community's right to collect rent for the use of its property—the public rights-of-way.

The franchise is the principal means by which local governments grant private entities the right to use public property. Historically, local and state governments primarily managed the public rights-of-way to serve the needs of pedestrians and vehicular traffic. As utilities began to place permanent facilities in those rights-of-way, communities required each utility to obtain a specific authorization to use the real estate. This authorization was classified as a franchise, because it represented a special, limited and personal privilege to use public property not enjoyed by transient right-of-way users. This special grant is necessary because no private person can take another's property, even for a public use, except by approval from the entity with authority

over the property.

An entity that uses the property of another normally expects to pay a special fee commonly called rent. Historically, however, some rights-of-way rental fees were waived. Local and state governments often sought to encourage communications providers to bring services to their citizens. Even though local communities incurred costs creating the rights-of-way and maintaining the roads, local officials believed that the benefits of communications services were worth it to taxpayers. Because local governments wished to encourage these providers, many imposed minimal fees, though the deal often involved a commitment to universal service and an assumption that service rates to consumers would be regulated by state or local authorities. Nonetheless, the principle of payment for use of property was not abandoned: many early telephone companies paid a portion of their proceeds to the government as a condition of a franchise. A franchise is distinct from permits for work in the rights-of-way. The franchise authorizes occupancy of public property and specifies the conditions of occupancy. Franchise conditions may include location and depth of placement, provisions for traffic safety and disruption, insurance for injuries to persons or property, relocation of facilities for public improvements, and provisions addressing the removal or abandonment in place of facilities—as well as rental compensation. By contrast, permits are regulatory actions controlling the exact time, place and manner of construction activities that are disruptive and dangerous to other rights-of-way users.

Local governments wear two hats. They are both regulators and property owners. Casual observers may confuse the two functions and interpret a property-based action as a regulatory action. For example, monetary payments to a government are often presumed to be a tax. But many payments to a government are rents, or payments for services or

See **Property**, page 32

The Positive Side of PEG Access Under Municipal Cable Ownership

BY BILL NAY

In the Central Massachusetts town of Shrewsbury, the cable subscribers have the best of all possible worlds: a cable company that is well run and profitable, and a PEG Access center that is well run and profitable. What is the secret to this unbelievable coincidence?

MUNICIPAL OWNERSHIP

The following facts are true, believe me:

- ▲ Cable rates are 35-40 percent lower than in all the surrounding communities. One of the goals of cable management is to keep rates lower;

- ▲ Entry-level high-speed cable modem service is 20 percent cheaper;

- ▲ Cable has 84 percent penetration, which translates into customer loyalty as competition from satellite, and others approach the community with options;

- ▲ The town-owned-and-operated ISP has 40 percent of households, and climbing;

- ▲ In a recent independent survey, 98 percent of subscribers were "extremely satisfied" with their cable/Internet services overall;

- ▲ Beyond the 5-6 percent of gross revenue that goes to support PEG, cable contributes another 4-5 percent of gross, including cable modem monies, to the town's free cash account each year, in lieu of taxes;

- ▲ Cable has built and actively supported a fiber I-NET since 1995; and

- ▲ Among the many community service projects that cable has contributed to are lighting to the ball fields and renovations and additions to the town hall.

Being a PEG access center manager, working with the town/cable company, is a dream job. Why? The general manager of cable actually wants to share resources with us—for example, MPEG encoding stations and playback equipment! The cable company wants to bring PEG along as it rolls out its new Video On Demand (VOD), and has even suggested the idea of using VOD as a fundraising tool for community organizations!

But perhaps the biggest secret to the superiority of municipal ownership over corporate can be found in the cable manager's job description: "to manage the cable company to the benefit of the community." From the cable manager's viewpoint, his own friends, neighbors and family are the principal "shareholders" of his "company."

To the general manager and the Light Commission (a group of appointed residents that oversee the electric and cable utilities) the impact of PEG access is plainly visible. They are reminded of PEG's impact by their "shareholders" whenever they go out to the grocery store, to church, and to social events. So whether advocating for PEG access or looking to add a specific channel to the cable line-up, cable management is accessible to residents and they have a real stake in cable's overall success.

A LITTLE HISTORY

In 1982, Shrewsbury, Massachusetts stood poised for the unprecedented growth that the westward expansion of the Boston-based technology boom was about to create. It was at this time cable television was being introduced into the region. The city put out a request for bids for the cable franchise. Several bids were received, including one from the Shrewsbury Electric Light Plant (SELP), the agency that had operated the town's power company since 1909.

Among those with the foresight to propose the idea of municipally-owned cable was James Baker, the general manager of SELP. He argued that by running its own cable system, the town would generate millions of dollars in revenue that would otherwise go out to a private company. The idea showed promise, but without any local examples to look at, was not an easy sell. In spite of that, SELP won the bid and was awarded the cable franchise by the Board of Selectmen in 1983.

Threatened by a possible trend in municipally-owned cable, Greater Media Cable, which held the franchises for many of the communities around

Shrewsbury, started litigation against municipal ownership in Massachusetts. But in challenging Baker and Shrewsbury, Greater Media ran into a tough customer. About a decade earlier, SELP was part of a landmark federal case that forced investor-owned utilities to sell power to municipally run electrics at wholesale prices. So Shrewsbury wasn't about to let a privately-owned cable company try to shoot down what they knew was in Shrewsbury's best interests. The legal action was dropped after the court pointed out that state law allows municipal ownership of cable.

With the legal battles out of the way Baker still needed to convince the Town Meeting members in order to float the bond to start construction. While the idea of the town potentially receiving added revenue generated by cable was appealing to many, the idea of having several PEG access channels dedicated to the education and enrichment of the town is what won over the majority. It was successfully argued that municipal ownership would not only bring PEG Access to Shrewsbury but that the channels would be part of a community communications center. This was heady stuff at a time when cable access, I-NETs and personal computing were all still in their infancy.

Over the years, the Town of Shrewsbury, its residents and our PEG access organization have all benefited greatly from having municipally-owned cable. The town wins financially by keeping cable and cable modem profits in the city, while the PEG access organization and the residents benefit from having direct access to the management and shareholders of the cable company, which in fact are their friends and neighbors.

Bill Nay (bnay@ci.shrewsbury.ma.us) is executive director of Shrewsbury Media Connection in Shrewsbury, Massachusetts.

PEG Access & Municipal Officials

How to Nurture an Important Alliance...for Community Media

BY RANDY VANDALSEN

Let's see if any of this sounds familiar: Your access center has been open for a while. Your organization has tried to be active in the community, getting many folks to overcome their initial fears and learn to use the center's amazing tools. You've got a small, dedicated staff and a board of directors that cares a lot about the importance of PEG access in the community. Sure, some programs explore subjects that veer off into uncharted waters or aren't as slick as many would prefer. But overall, you're proud of the programming and the activity at the center, and your team is pleased at the progress so far.

Life is good.

But then something happens (pick one):

(a) Your city's cable regulator calls to let you know that due to the local budget crisis, he will recommend that the access center's funding should be cut in half.

(b) A call comes from the mayor's

office: "How could you let those people do that on the air? Are you out of your mind?"

(c) A council member writes an indignant letter, saying "I don't think the city should support an irresponsible organization like yours, which lets people say such horrible things about our elected leaders."

(d) The cable company starts a misinformation campaign to persuade the City to drop its support of PEG Access during franchise renewal negotiations.

(e) All of the above.

What a mess! Now what?

First, understand this: You're not alone. Most of your peers have faced challenges like these, and much worse. No one can say there's a foolproof method to overcome them. But can anything be done to make them less likely to happen in the first place, or just lessen the impact?

Yes.

Welcome to the real world—where

the development of a local "alliance for community media" of PEG access advocates and municipal officials can only occur if it is nurtured from Day One...and the alliance can never be allowed to end.

Funding cutbacks are a common source of tension between PEG access and government. When municipal officials decide to earmark more franchise fees to the general fund so government can make ends meet, PEG access often suffers dearly. But franchise fees should never be the only major funding source for PEG access in the first place! Therefore, diversified PEG access funding is a highly desirable outcome of the franchise renewal process, which you can also consider as an extended version of "Day One" that I mentioned above. Many communities have recently negotiated franchise agreements with significant PEG access support from their cable opera-

See **PEG Access**, page 32

Some Additional Facts about Municipally-Owned Cable Systems

BY NEIL LEHTO

- The accelerated entry of municipalities into cable television has been driven primarily by the notion that municipal broadband is a logical extension of other municipally-owned utilities, especially electric systems that provide sophisticated energy management, metering and other services. In addition, often they have had to install fiber optic cables for internal operations, making it a natural progression to develop broadband networks as well.

- The deregulation of electric utilities, the spread of which has slowed across the country since the California energy crisis, prompted many municipal electric systems to see broadband systems as a new source of revenue.

- Because they are local, municipally-owned utilities have credibility with residential and commercial customers. Many have been in operation for over 100 years, and so they offer stability in an unstable communications and financial environment.

- Reliable access to high-speed data is critical to a city's goal of improving education and advancing economic growth.

- Section 613 of the U.S. Cable Communications Policy Act of 1984 expressly prohibits municipal franchise authorities who own their own cable television systems from exercising any editorial control over the content of public access channels. Such con-

trol must be "exercised through an entity separate from the franchise authority."

- Municipally-owned cable systems have usually created a local programming board consisting of customer-owners to decide which programming will be carried on the cable system. These boards often survey the community to determine what networks its residents wish to receive. The community is periodically resurveyed to keep up with changes in network options and community desires.

- Municipal systems typically do not pay franchise fees. (In some states there are level playing field laws requiring them to match what the private cable operator is paying.) However, the American Public Power Association calculated net payments and contributions to state and local government and determined that for the year 2000 (the most recent data), the median amount paid by public electric power utilities was 5.7 percent of gross operating revenues. If they offer broadband, public power utilities can be counted on to provide similar contributions.

USEFUL WEBSITES:

- www.historylink.org/output.cfm?file_id=1738
- www.appanet.org/legislative/regulatory/broadband/fact/fact.cfm
- www.crblaw.com/research.html
- www.baller.com/library-articles.html

commercial transactions. For example, buying a book from the Government Printing Office is a commercial transaction. The payment for the book is not a tax even though it is paid to government.

Confusion between local government property rights and regulation is widespread. Entities that want to use the rights-of-way for free tend to describe right-of-way transactions in regulatory terms, without acknowledging the local government's property rights. But fair-market compensation for private use of public property is neither a tax nor a regulatory fee. A community's control of its public rights-of-way is not a regulatory barrier to entry. It is an owner's right to control use of its property.

Local communities must exercise considerable control over the use of their public rights-of-way to preserve a community's quality of life. Recent developments, however, show a remarkable willingness by state legislatures and some courts to deprive local communities of this control. Acting in the name of competition, several states have preempted local control over local rights-of-way. The key difficulty with this position: property owners enforce control over the use of their property through the power to exclude. If a tenant does not agree to a property owner's terms and conditions for property use, the owner may generally evict, or refuse entry to the tenant. A local community that cannot exclude bad actors or free-loaders from the rights-of-way will be left defenseless to depredations upon the community's property rights by those private users who profit from the use of that property.

Nicholas P. Miller is a member and Holly L. Saurer is an associate with the law firm of Miller & Van Eaton, P.L.L.C., with offices in Washington, D.C. and San Francisco, California. The firm assists local governments in achieving the full benefits of the communications age for their communities.

¹ This article is an excerpt of a more extensive piece by the same name written by Frederick E. Ellrod III and Nicholas P. Miller. It can be found at 26 Seattle University Law Review 475 (Winter 2003).

tors, in addition to a five percent franchise fee. Identify those places—and find out how they did it. Start by looking here: www.buskegroup.com/html/file_archive.html.

(Note: A small amendment to clarify the Cable Communications Act of 1984 would help, too. Many people believe that the Act permits franchise agreements to require only PEG access "capital support" from cable operators in addition to franchise fees. A growing number of communities—when fortified with a strong sense of purpose—have negotiated funding for operations, too, over and above capital support and franchise fees.)

Even before an access center opens its doors, team-building with municipal officials should be part of the PEG access organization's mission. There are several important elements to this kind of collaboration that have been successfully implemented by staff and board members of many nonprofit groups:

- ▲ Develop a relationship with elected municipal officials—before you need their vote.

- > Meet each of them, as early as possible. Get to know them. Recognize that they truly are community leaders, chosen to represent the public.

- > Let them get to know you, and why PEG access is so important.

- > Find out which local groups they admire. Do these groups ever appear on an access channel?

- > Attend events where you'll get a chance to chat with municipal officials.

- > Honor the municipal officials. Present special awards to them that recognize their support at your annual meeting, local video awards event, etc. (and send out press releases to inform the other media about it).

- ▲ Make the access center a respectable, important part of the fabric of your community. Share information about the center's programs and activities that will most likely appeal to each municipal official.

- ▲ When crisis points arise, defend your position respectfully but firmly. Appeal to the municipal official's role as a front line defender of our constitutional rights. Opponents of PEG access program content are typically on the wrong side of the law.

- ▲ Take the high road: embrace your

role of the underdog, sticking up for the rights of local folks with no power.

- ▲ Ask influential people to write letters and testify at public hearings on your behalf. It's important to get groups involved in PEG access who are associated with the causes that are most admired by the elected municipal officials. Their voices will carry extra weight.

- ▲ Anticipate the arguments of your opponents. Have counterarguments prepared and ready to present.

- ▲ Don't forget: If you want to be taken seriously, you must look and act the part.

- ▲ Be honest. Dishonesty will always catch up with you.

Finally, here is a useful summary of tips on how to influence elected officials that I discovered online, offered by the Tennessee Nonprofit Association (www.ncnonprofits.org/faq_advocacy.html)

BASIC KINDERGARTEN TIPS

- ▲ Have a relationship before you need the vote.

- ▲ How to have a relationship:

- ▲ Be part of an active, visible group. Send postcards or e-mail.

- ▲ Introduce yourself if you see the elected official somewhere.

- ▲ Make a point to be somewhere that you'll see your elected officials.

ADVANCED RELATIONSHIP-BUILDING TIPS

- ▲ Be a friend.

- ▲ Respect the elected official.

- ▲ Be helpful to the elected official.

- ▲ Be a constituent.

GRADUATE-LEVEL TIPS

- ▲ Offer clear, concise, and accurate information.

- ▲ Never threaten.

- ▲ Have no permanent friends or permanent enemies.

- ▲ Know the rules.

- ▲ Keep your word.

- ▲ Give the task the same dedication and skill you give to other important tasks.

Randy VanDalsen is vice-president of The Buske Group, a public interest cable consulting firm. He began working in the PEG access field in 1972, and was one of the founders of the Alliance for Community Media (formerly the NFLCP). Contact him at randy@buskegroup.com

Progress or Dystopia for Community Media?

What progress has community media made during the past two decades of deregulated, consolidated, commercialized, homogenous and banal media? What opportunities exist for us to limit the impact of anti-democratic media policy and to secure a place for local voices, diverse views and the chaotic abundance of free speech? We asked eight community media leaders

from around the world to name the threats and opportunities and to point us toward strategies that will help us to secure media democracy for the *next 20 years*. Their answers remind us that our main line of work is community development and, if we want to preserve public access to cable television, we must work in coalition with community and independent media advocates across the globe.

LAURA BREEDEN

Laura Breeden has been involved with applications of the Internet and new communications technologies in the public sector (education, community development, health) since 1983—including a stint as the first director of the NTIA's TIAP program during the Clinton administration (now known as TOP). She currently directs America Connects Consortium (ACC), a national technical assistance consortium working with community technology centers in the US. At the same time Laura leads the Community Technology Practice at Educational Development Corporation in Massachusetts.

What do you think are the "big picture" threats facing community media?

The big threats to community media are media consolidation and commercialization (which are closely linked), compounded by the current FCC policies. More threats? The "dumbing down" of civic life and the overall degradation of public discourse, particularly, I regret to say, since the advent of cable television.

What can citizens and leaders in the community media movement do to combat these threats?

Advocate for increased funding and other support (in-kind donations, tax breaks, visibility, legitimacy) for community media.

Dissolve the barriers between community cable access, community technology centers, and community information networks.

Link media deregulation to increased public investment in community media.

Use the web to share products, ideas, and tools, and to organize (a la MoveOn.org). Exponentially increases the power of relatively small, specialized, and widely dispersed groups.

Make better media, and engage new

audiences in producing it.

Do you have any other comments?

Comfort the afflicted, and afflict the comfortable.

DR. MYRIA GEORGIU

Myria Georgiou (m.georgiou@leeds.ac.uk) is based in the United Kingdom at the Institute of Communication Studies at the University of Leeds. Through her academic studies she raises awareness among policy makers and the academic community about community media and their ability to expand participation and positive representations, especially among marginalized and excluded populations. Her study of media consumption and the development of transnational communication networks will be integrated in her forthcoming book *DIASPORA, IDENTITY AND THE MEDIA*.

Define community media.

Community media are nonprofit organizations that use all different kinds of communication technologies (e.g. television, radio, the Internet, press) in addressing particular audiences that are usually (1) concentrated in particular locales; (2) marginalized and excluded from mainstream media; (3) have particular interests and agendas promoting participation and inclusion in civic, political and other community projects.

Has community media made progress over the past 25 years?

Community media have grown in numbers and have expanded their reach, especially with the use of new technologies such as the Internet and other digital media, which set an end to the frequency scarcity. Community media and other citizen and community movements have also raised the profile and the political significance of community projects, resulting policies that promote and sup-

port such projects. However, the success of community media is not guaranteed by their growing numbers and extended reach—this does not guarantee real diversity. In parallel to these phenomena, there is a growing commercialization of media overall and a growing domination of commercial media and the major broadcasting players. The major commercial media players, which sets rules in terms of agenda-setting, aesthetics and scheduling threaten media that have alternative agendas and which cannot compete on a commercial level.

How can we mobilize?

Community media have a responsibility to continue setting alternative agendas and giving space to voices which are excluded from the mainstream, even if they are marginalized in the broader mediascapes. Community media leaders can:

Lobby for more effective policy in terms of (1) community media not being given marginal, 'dead' frequencies and time slots in broadcasting systems; and (2) subsidies;

Develop cross-media collaboration with some commercial media, which will make community media projects more visible;

Build upon successful projects or event coverage by community media by actively promoting their role in the public sphere; and,

Campaign for the democratic significance of expression and free speech at a time when, in the U.S. in particular, major media organizations fail to act as watchdogs to the government.

Community media are important for democracy, free speech and civil participation on local, national and global levels. Community media will never be able to compete with big commercial players and will always depend on smaller number of

audiences and localized success. The democratic significance of community media and the responsibility of societies in keeping them alive and active should be in the heart of campaigns for their promotion and support.

FRED JOHNSON

As a documentary producer, advocate, academic, founder and administrator, Fred Johnson (fjohnson@mwg.org) has been working in community and independent media since 1974. As a principal of Media Working Group, Inc., Fred has started a variety of community-based media projects and consulted extensively in the United States and United Kingdom. He currently co-directs the Community Media and Technology Program at the University of Massachusetts in Boston.

Define community media.

The only kind of "community media" I am interested in these days is media that is created in democratic relationships with people. That can be content making and/or distribution systems that allow people to find their own voice in the form of media expressions they create themselves, or, it can and often does mean making media with people rather than about them.

What progress have we made?

Huge progress! In many communities, community media centers are now firmly at the center of the lives of their communities—and this is true of both large and small communities. Of all the "alternative media" experiments in media social change that arose from the 60s and 70s, community media in the form of cable access has, by comparison, stabilized successfully in a significant number of communities in the U.S. By stable, I mean people are getting paid a living wage, with health benefits etc., to create some kind of noncommercial media in their communities. And, again, a significant number of those centers are now multi-purpose access, production and education centers that are critical to the culture of their community. So, even though I can come up with a number of criticisms of the way cable access functions, as well as non-cable access community media centers, I still understand that overall this is enormous progress.

Of course we all know that media concentration and de-regulation has gotten worse. So it is easy to feel unsuccessful.

But it turns out that community media is not a solution to the problem of a hyper-commercialized mass media, as many thought, but the articulation of an entirely new form of media.

Describe the threats that we face.

The "big picture" is that if we do not find some way of getting democratic control of this country's extremely de-regulated media policy—which means political transformation and media transformation, not mere reform—then ultimately all forms of public media will be done away with or corrupted beyond recognition. This is going to be very hard political work; it has to be part of a larger movement to make the country more democratic. But if you are not working on that you are backing up.

But I think the biggest specific threat public access faces is philosophical. The media system has changed fundamentally, and with it the media culture. Cable access activists are going to have to change in order to survive or be relevant in this new interactive, cross platform, flash-animated environment. Access must find ways of being on the cutting edge of media content creation and distribution systems [like wireless etc]. That will mean developing policies, programming formats and organizational structures that go far beyond the simple content neutral, First Amendment forum strategies most organizations now deploying to justify their existence.

What can we do?

▲ Start working everyday on democratic media transformation. Example, the GRIID affiliate at the Community Media Center in Grand Rapids, Michigan. (www.griid.org).

▲ Re-think your community and figure out what you have to contribute to your the economic and community development agenda. This will strengthen your ability to be a speaker as well as facilitator in your communities' political culture. Examples can be found in Asheville, North Carolina, Lowell, Massachusetts (www.ltc.org) and Burlington, Vermont (www.cctv.org).

▲ Keep in mind that content neutral programming policies and any form of community media that do not formally incorporate progressive political values into their practices are essentially subsidizing the status quo in their communities. When you think about making these

kinds of changes in public access, the ramifications are formidable. Taking this on will un-bundle the class coalitions we have put in place and force us to re-think and re-negotiate relationships with government and our communities; and I am sure many in public access right now would disagree or have no stomach for it. But if you want to continue to enjoy the support of politically progressive constituencies (which when it gets right down to it are the only people who really support public access) then we have to start working on change. Otherwise I can think of too many other valuable uses from this public money from the franchise or taxes.

NICHOLAS JOHNSON

Nicholas Johnson was an FCC commissioner from 1966-73. He currently resides in Iowa City, Iowa.

It was more than 25 years ago that George Stoney and Red Burns introduced me to the idea, and potential, of "community media," the notion that "mass media" could be media created by the masses, not just corporate media used to program the masses. They were sufficiently persuasive that I made the provision of "community access" cable channels a primary goal of my seven-year term as an FCC Commissioner.

Although the Supreme Court ultimately thought otherwise, in *Midwest Video II*, enough years had gone by, and enough new franchises had been written, that cable access had been established. When I finally made my way from Washington back to my hometown in Iowa City in 1980, I found a vibrant community media movement underway, with the local leadership of individuals like Karen Kalergis, Drew Shaffer, Mike Brau and Rene Paine, among a great many other talented and devoted people. I took Drew's video training course, and ultimately served on his Iowa City Broadband and Telecommunications Commission for two terms.

While similar efforts around the country continue to grow and inspire, they also continue to be threatened from a variety of directions, among them the corporate cable drive to profit maximize and the reductions in the funding of the public sector generally. (As an aide to President Bush once put it, "I don't want to do away with government all together. I just want to make it small enough that I

can drown it in a bathtub.”)

But, alas, as Pogo once observed, “We have found the enemy and he is us.” Threats can come from within as well as from without.

▲ In our necessary and commendable efforts to expand free speech we sometimes abandon more common sense than is consistent with its preservation.

▲ There is a natural human tendency to want to preserve and protect one’s control of whatever objects or institutions are most dear. When applied to community media this common inclination is not always consistent with the need of community media to reach out, to expand the base, to bring in new producers, to involve a fuller range of community institutions and individuals than those with whom one is most comfortable. Increased participation creates the risk that, in the process, one may lose one’s former comfort and control of an in-group.

But these are trivial “threats”—or at least threats well within the possibility of our control. Community media has made much progress. It has much more potential still as new technologies (such as improved, smaller cameras, and distribution systems like the Internet) become available. And never in our nation’s history has it been more essential to “life, liberty and the pursuit of happiness” (to quote a line).

MARK LLOYD

Mark Lloyd (mark.lloyd@comcast.net) is an award winning journalist, communications lawyer and executive director of the Civil Rights Telecommunications Forum—a project created to bring civil rights principles and advocacy to the communications policy debate. He is currently a Martin Luther King, Jr. Visiting Professor at MIT and is completing a new book on the history of broadcasting.

Has community media made progress over the past 25 years?

Although local associations have been engaged in supporting expression through newspapers and public soap boxes since the dawn of the U.S. republic, a strong argument can be made that the modern community media movement began in the late 1960s with the Johnson Administration’s promotion of “wired cities.” While there are important successes, the so-called “Blue Sky” hopes

for public access cable have been largely dashed over the past 25 years. The reasons are many and varied: federally enforced limits on the local cable franchise contributions to public access operations, poor promotion, uneven quality, and a wide range of other problems. Community radio continues to be a source of expression for local groups, despite setbacks in the drive to free up more of the public airwaves for low-power radio. Many community groups, even in low-income and subsidized housing, have turned to websites as an avenue of local expression.

If community media has not been all that it could be, the powerful need for expression outside of either government or corporate constraints continues to push community media toward different outlets and new strategies.

What are the threats facing community media?

Community media’s major threat is marginalization. Local expression is overpowered in a public arena increasingly cluttered and fragmented. A media company such as Viacom/Infinity/CBS/Paramount or Fox/NY Post/Direct-TV has a much better chance of reaching audiences (whether on radio, cable, or the Internet) because they own so many powerful channels and are able to cross-promote. In the absence of stronger ties to the community and robust funding, community media will be unseen and unheard in the buzzing banality of the ordinary citizen’s media environment.

To the extent that community media receives any funding from government or corporations, the justification for that funding will continue to be questioned by the Bush Administration. While public outcry was able to save funding for community technology centers and NTIA grants, the redefinition of broadband service as an “information” rather than a “telecommunications” service, has cost community media dearly, particularly in the loss of revenue to public access operations. If the situation was not perfect there should be little doubt that things were better when the FCC was led by Commissioner’s Hundt and Kennard. If this administration is allowed to continue in office, the prospects for community media will get worse.

What can we do?

Elect a new president and put media

justice on the public agenda. It is a long-term battle, but we must begin to win some short-term victories!

SEAN O’SIOCHRU

Sean O’Siochru (sean@nexus.ie) is the founder and chair of the 11-year-old Community Media Network (CMN) in Ireland (www.cmn.ie) and founding chair of Dublin Community Television (DCTV, www.activelink.ie/cmfi) scheduled to launch in 2005. He serves as the spokesperson for the CRIS Campaign International (www.crisinfo.org), which focuses on global communication rights and writes frequently on international media and communication issues.

Describe the progress you have made in community media in Ireland.

Speaking for Ireland, the community radio sector is now relatively mature. One of the best stations, NEAR-FM, is involved with the effort to start community television in Dublin. This has been a long struggle, with Community Media Network (CMN) at the forefront. The concept of community television, if it exists at all in the public mind, is gleaned from occasional disparaging references in mainstream TV to programs with naked presenters, or soap-box rants etc.—the usual tittle-tattle. At best, people imagine it as giving cameras to private individuals to record their day, a popular format for short films some time ago. Nevertheless, we accept that it is our job to demonstrate what it is about in reality—we have to prove it works by actually doing it.

Several years of lobbying have delivered some concrete gains:

Community Media as the “third pillar”: A Government Commission on public service media finally recognized community media as an important ‘third pillar’. At Dublin Community Television, we view community media as distinct from public service and commercial—but also from a purely access or ‘free speech’ model of community media. We are attempting to define community television within the tradition of community development, which has a strong history in the past couple of decades in Ireland. The Broadcasting Act of 2001 gave legal recognition to the concept of community television (a ‘community contract to provide programmes’), setting out conditions for applying for a license and, at the same time, includes a ‘must carry’ obligation

on cable operators.

Funding Streams: It also looks like we will secure a tiny proportion of the Television License fee (a realistic 150 euros per household in Ireland) to fund programs for community TV and radio, perhaps totaling a couple of million euro a year. But there is no funding at all for capital or current costs, and even the program funds might end up outside the stations themselves—so that is an area of current lobbying. Dublin, and perhaps Cork, are ready to apply to the new round of licenses—though we have no idea where we will get the money even to fund our application—let alone launch the station. All contributions are welcome!

What threats do you face?

It is not really possible to divorce threats to community media from the evaluation of the overall media environment. Community media may be seen as one element in a global struggle to democratize the media, and a very practical one that offers a partial alternative. Other elements include: campaigns to halt efforts within the World Trade Organization (WTO) and elsewhere to subject all media to the laws of the market and capital (and hence eliminate public service media, for instance); opposition to concentration of media ownership nationally and internationally; and efforts to reduce the power of media barons. These, and more, are threats to all our efforts to democratize media.

The CRIS Campaign (www.crisinfo.org) sees these matters in a broader context still, arguing that 'communication rights' must be tackled and supported as a whole. In addition to media per se, these would include public domain and the commons, copyright, civil rights in cyberspace etc.—the entire means by which we generate and communicate knowledge, and complete the social communicative process, which is rapidly being privatized with potentially frightening consequences.

What can we do?

In Ireland, we have always consciously tried to link together the various alternative and community media efforts, and to build bridges with broader activists and the community and voluntary sector (as it is known as here). This involves activities at several levels.

For instance, in DCTV, we have spent almost two years running seminars, work-

shops, information sessions to build an understanding of the concept among progressive groups here, especially at grassroots and community level. This is not going to yield the money but it gets us something more valuable—a genuine base of support that understands what we are trying to achieve and how we can help them achieve their goals. In the long term it builds us a political base that should be able to ward off the threat of incorporation on one side, and of conservative efforts to rein us in on the other.

At the same time, we are building bridges with other media and activists. Around May Day this year, CMN in collaboration IndyMedia in Ireland (www.indymedia.ie) are running a week-long series of media workshops, radical films and other activities involving every aspect of alternative and community media. This is the kind of coalition building we hope will help us to move forward and guard against threats.

KARI PETERSON

Kari Peterson (kapeters@dctv.davis.ca.us) has been the executive director of Davis Community Television in Davis, California since 1986. She has served on the Alliance for Community Media regional and national boards and remains an outspoken advocate for public access and community media.

What progress have we made?

We've learned a lot in two decades. During my career, there have been radical shifts in thinking—away from television production as an end and toward media as a process and as a community-building tool. Today we talk about media literacy, public discourse and social priorities. This has altered considerably the kinds of programs and services we offer and slowly it's leading to a shift in the way our community thinks about us. What was of little relevance to peoples' lives, is now becoming real and relevant.

In our community, more resources will soon be available—low power radio, INET and additional community uses of the Internet. Everywhere, equipment is improving, making media and communication more readily accessible and consumable. In order to use these resources for a useful end community media can offer a resource and a process that a) engages and brings people together; b) provides an outlet for relevant and useful content not available elsewhere; c) pro-

motes media literacy; and d) encourages and supports expression. These are good ideas worth preserving.

What are the threats facing community media?

Fundamentally, greed and power are at the root of society's dysfunction and drives the telecommunications industry toward lousy public policy. Bad public policy has led to a weak legislative and regulatory framework for community media. As a result, community media is marginalized and threatened.

In the trenches, the biggest threat we face is the crisis of relevance. We lack a critical mass of participants and viewers. With full and busy lives, people generally don't make the time for community media. And even if they philosophically embrace our work and consider it an essential resource, they don't, in significant numbers, engage it. In order to truly achieve our mission—to use media to enhance community life—we have to figure out more effective ways to engage people in the making and consuming of community media.

How can we combat these threats?

Communication must be viewed as a fundamental element of our civic infrastructure. Weaving media into the basic fabric of community life means incorporating communication wherever possible into the activities, tasks and challenges of daily life. It means always being part of the conversation.

Partnerships: In our campaign for relevance, we must link up with those who need us—furthering the causes of local people, organizations and institutions benefits us all. To be good at this, we have to be entrepreneurial and seize these opportunities—we can't wait for folks to come to us.

One-Stop Shopping: Community media is a tool box—a concept that is readily understood by people and organizations who may be tentative about using media. In Davis, we've been consolidating our various community media resources under a single roof and thinking of ourselves as a "one stop shop." I've been talking a lot lately about community uses of television, radio and the Internet—three distinct media tools at our disposal, each with its own set of services, training and advantages. This makes it easier for non-profit organizations able to pick from a suite of services that address their com-

munication and media needs.

Community Center: Together with community media partners, the school district, city, library and a neighborhood association, DCTV is now working with a multitude of community organizations to develop a multi-use community center and we have found this to be a wildly beneficial process. Our common goal is a high energy community center that brings people together synergistically through meeting spaces, gathering spaces, art, music, food, books...and, yes, media—television, radio and a computer lab. A center where community happens and media is a tool. DCTV is no longer just a TV station, not just a video box.

I believe that to the extent our neighbors see media as a fundamental part of the their community, we will achieve relevance and overcome the threats that face us all.

MARTHA WALLNER

For the past 20 years, Martha Wallner (marthaw@lmi.net) has been building community media projects and advocating for policies that support community media. She was a founder and principal of Deep Dish TV and, until recently, served as executive director of Berkeley Community Media in California. She is currently working as an active member of Media Alliance (www.media-alliance.org) to stop the FCC from abolishing ownership limits and she is organizing for franchise renewal in San Francisco.

Has community media made progress over the past 25 years?

In this time, community media organizations have grown stronger and more sophisticated. "Professionalization" of the movement has its pitfalls, but it has also contributed to our ability to sustain and expand the work and defend it from attack. I think the borders between various subcultures in community media are fading and this too, contributes to our strength and visibility.

What "big picture" threats face community media?

The biggest threat to community media is consolidation and behind this, the drive internationally, led by the U.S., to promote policies that eviscerate all forms of community control, bankrupt government at the city, state and federal levels and push a neoliberal "free market" framework to make the world safe and lucrative for a few multinational corporations to dominate all spheres of life. That may sound like a

mouthful but that is the "big picture" as I see it.

How we, community media folks, see ourselves is another very serious threat. We can't let these very real power dynamics blind us to the fact that we represent, in fact, the majority, and with hard work, we can build another kind of power, a power great enough to transform our communities and our country, from one based on greed and competition to one based on human rights, responsibility to the environment and cooperation!

I'm concerned that community media organizations, particularly public access organizations, don't intentionally channel their resources in a way that can support the most threatened members in their communities—poor and low-income people, deployed troops, the disabled, seniors and immigrants targeted by the so-called war on terrorism. This ultimately weakens access too, because access' strength rests on the strength of its community.

What can community media workers and volunteers do?

Organize, organize, organize! Build advocacy in to all of your work. Educate yourself, your staff, your board, your members, your elected officials. Cut 25 percent of your programmatic activity and replace it with advocacy activity. If you don't know how, get help, find people to train you and your constituents in organizing skills, and hook up with the burgeoning media activist movement. Use the media resources you have at your disposal to do advocacy. If you are concerned about doing direct advocacy, support the work of others who are doing it by providing them with resources.

The FCC campaign over the past two years was a watershed in coalition building, spawning new relationships across constituencies and across media. But it also showed us that we have to build the capacity to organize proactively and to do this, I think, that we have to pull back a little from the reactive campaigns and focus on developing a more sustainable advocacy infrastructure that can build power at the grassroots. Campaigns focused on these larger fundamental policy issues could potentially draw the broad support that would actually needed to transform the system—on a federal and municipal level. We have to see the links between all the social justice issues, and build solidarity between the movements that are fighting on the multiple fronts of this broad attack.

The Common

*They hang the man
and flog the woman
That steal the goose from
off the common,
But let the greater
villain loose
That steals the common
from the goose.*

*—English folk poem,
ca. 1764*

Threats, from page 19

modem service in gross revenues. As a part of the deal under which recent state legislation was adopted, communities cannot enforce the payment of franchise fees on cable modem service, regardless of the outcome of the 9th Circuit litigation. So the loss of cable modem revenues from PEG operations is permanent here."

"Large cable [MSO X] has effectively co-opted the regulators and policymakers through tight network of relationships between its law firm and the legislative and regulatory agencies. MSO X actually employs the wife of the cable regulator—they skirt ethics laws by hiring her through their telecom subsidiary. Meanwhile, the cable regulator has given away major components of PEG access resources - narrowing definition of "Gross Revenues," divesting channels and capping PEG benefits. Smaller, under-funded rural providers are suffering the most."

"One of our villages signed over the "public right-of-way" to [Cable Operator] in exchange for the building of a tech center. I can't emphasize the negative impact that may have for the future of that village in terms of communicating in the 21st Century and beyond."

Greg Epler Wood, chair of the Alliance's Public Policy Committee, may be contacted at GregEW@Sover.net.

Leading in a Crisis: A Case Study of Chicago's CAN TV and RCN

BY MARGIE NICHOLSON

Are you ready to lead your organization through a crisis? Here's the story of how access and community leaders in Chicago fought to save their access funding when a local cable operator defaulted on its payments.

In January 2002 Chicago's CAN TV faced the greatest challenge in its 20-year history. One of the city's local cable operators, RCN, defaulted on a \$645,000 payment to the access corporation. Executive director Barbara Popovic knew that the other cable operators serving the city were watching closely to see if the city council and the cable commission would allow RCN to renege on its obligations. If RCN were allowed to shirk its responsibilities, the other cable operators were likely to ask for similar concessions.

Things looked bad at the beginning. The company had no intention of paying and the cable commissioner appeared unwilling to pressure RCN, saying that CAN TV had enough money in the bank to tide itself over.

Popovic and CAN TV Board members, staff, and supporters immediately launched a campaign to educate the public, press and politicians about the value of public access and the need to collect the payment in full. Here's the story of the strategies they used and the lessons they learned in responding to this threat.

Preparation. Despite the fact that the RCN default was unexpected, CAN TV was prepared for the battle. The key elements were in place: legislators who understood the value of access television; board members who were willing to commit their time, contacts and resources; hundreds of producers and nonprofit organizations who had benefited from their use of access channels and equipment; a smart and dedicated staff who made this campaign a priority; five fully

operational cable channels reaching broad and diverse audiences in the community; and contacts in the media who understood the issues and were willing to present CAN TV's perspective.

Over the past 20 years, CAN TV has provided thousands of residents with access to training, equipment and channels and has provided customized outreach, training, channels and services for nonprofit organizations. Live call-in programs, addressing issues such as domestic violence, HIV-AIDS, immigration, employment, and education, regularly brought community leaders to the studio and reminded them of the value of access TV.

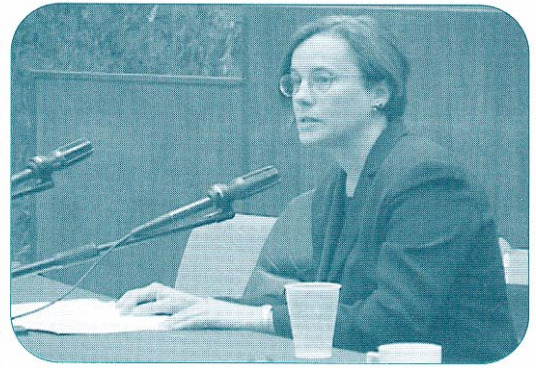
CAN TV crews have regularly covered election debates, labor protests, arts performances, town hall meetings, and all activities relating to media reform. Activists and viewers are aware of this coverage and aware of the fact that it wouldn't take place without CAN TV's dedication to the non-profit and social justice communities.

CAN TV has built strong relationships with local political leaders. Each week an alderman is invited to appear on CAN TV's live, call-in *Political Forum* program, which is hosted by members of CAN TV's board. Thanks to their personal experience of the value of access and the opportunity to meet regularly with access leaders, Chicago's City Council members vigorously supported CAN TV during the struggle with RCN. The City of Chicago's Vice Mayor, Alderman Bernard Stone, championed

CAN TV's cause throughout the default. Resolutions supporting CAN TV were signed by 25 Aldermen, five Chicago Finance Committee hearings were held on the default, and not one of the 50 Aldermen sided with RCN.

Strategic Organization. Responding to this type of crisis required an enormous amount of time and effort. One of the first priorities for CAN TV management was to help the staff decide which duties could be postponed or put aside

while the campaign absorbed their attention. A strategic response team of staff members met weekly to quickly address issues and challenges. Rather than dwelling on the problem, the staff kept focused on—and became a part of—the solution. "I was really heartened by the



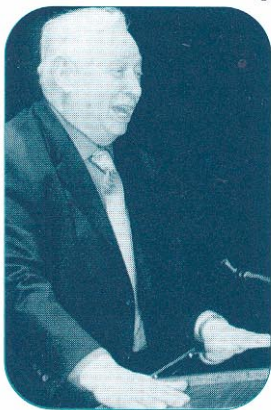
CAN TV Executive Director Barbara Popovic testifies on the RCN default at the May 22, 2002 City of Chicago Finance Committee meeting.

fighting spirit of our staff," Popovic says. "People were incredibly supportive. Their morale was great."

Throughout the campaign CAN TV staff distributed flyers and mounted a massive calling effort to contact constituents and alert them to meetings. In the process, staff members developed a new advocacy database that allowed them to rapidly track the outcome of calls being made by staff in all of the departments, noting who would write letters, attend events, etc. Most importantly, follow-up calls were made to everyone who committed to attend events or take other specific actions.

Crucial to making its case were CAN TV's solid systems for tracking users, supporters, programs, and finances. When cable operators, cable commissioners, or aldermen asked for data, statistics, support letters, financial statements, or historical documents, the information was quickly found and delivered.

Communication. Popovic made communications a priority during the eight-month campaign. She was in regular contact with political leaders, board members, reporters, and access users, strategically framing and fine-tuning the message as the situation evolved.



Alderman Stone (50th Ward) discusses the RCN default.

Political leaders, including Chicago Aldermen and state and federal representatives, were sent letters informing them of the default. Follow-up calls were made to solicit support and politicians responded by passing multiple resolutions in support of CAN TV in the Chicago City Council and Illinois State Legislature.

Popovic increased communications with the CAN TV board through emailed updates and calls. Board members rallied in response to the threat. They actively engaged in advocacy efforts and stepped up the pace of relevant committee meetings to stay abreast of any changes and to follow up on advocacy assignments.

When the crisis hit, Popovic activated her contacts in the media, providing them with press kits, background information and regular updates. The Chicago Tribune, Chicago's largest daily newspaper, followed the story, and the local ABC affiliate, WLS-TV, and three local radio stations provided coverage. All together there were 27 articles in the Chicago press and two articles in the national press.

CAN TV has been, for several years, proactive in developing a marketing and public relations campaign. The organization's "eye" logo and slogan (Sometimes TV Isn't the Problem...It's the Solution) have been plastered around the city on billboards and bus posters and highlighted on the channels and promotional materials for many years. During the struggle with RCN, CAN TV built on its "branding" with new informational materials featuring constituents providing testimonials about the value of CAN TV. Mass mailings were used to update CAN TV's constituency on the status of the default, along with instructions about how they could help.

Using its own communications media was an important part of CAN TV's communications strategy. The organization gave the issue maximum exposure on its channels: running PSAs, cablecasting hearings and meetings, and discussing the issue on weekly political and community programs. Campaign updates, action alerts and press coverage were regularly provided on the website at www.cantv.org/rcn.

Mobilization. Popovic realized that mobilizing constituents to speak and lobby on behalf of the access corporation would be a critical campaign strategy. When the crisis erupted, CAN TV staff and supporters immediately organized a letter-writing campaign, generating more than 150 letters to RCN's CEO and Mayor Richard J. Daley. Thirty aldermen received letters from their constituents, and many aldermen received personal visits from concerned constituents.

As a result of the outreach campaign, residents came out in large numbers for hearings about the default. More than 400 residents attended Finance Committee hearings and 100 attended Cable Commission hearings with 51 offering testimony in favor of CAN TV. Over all nearly 700 residents took direct action to support the access corporation.

Results. On September 3, 2002, RCN paid CAN TV in full with interest. The people, politicians and press of Chicago had sent the company a clear message, which was finally heard by corporate leaders just hours before the City Council was to vote on daily fines for the company's default.

The celebration was sweet, but short-lived. In January 2004 RCN defaulted on an annual payment to CAN TV, with company executives claiming that the company didn't have the financial stability to fulfill its obligations to the city and community. Once again, Popovic and her determined board, staff and supporters have been putting aside their daily concerns to face this threat to survival.

Margie Nicholson teaches in the Senior Seminar Program at Columbia College Chicago, and can be reached at mnicholson@colum.edu.

IN CASE OF CRISIS, BREAK GLASS!

FIRST STEPS:

Regulatory

- Do your homework
- Inform authorities

Legal

- Review contractual obligations
- Activate and brief counsel

Relating to the Company

- Explore all possible remedies
- Keep the ball in their court
- Timing zero tolerance for stalling
- Document everything

NEXT STEPS:

Political/Advocacy

- Do asset mapping: community allies, resources
- Recruit a key political ally as your champion

Get organized

- Strategize: establish priorities, make room for advocacy in work day
- Set up and educate planning team; set up tracking system; set up timeline, establish regular strategic meetings and designate tasks

Communications

- Frame the issue
- Prepare informational materials: fact sheet, website, press packets, sample letters
- Establish a press list
- Identify key spokesperson(s)

MOBILIZE:

Call to action

- Letter-writing campaign
- Mass attendance at meetings/hearings

Political work

- Person to person contact: meetings with public officials
- Resolutions (local, state, federal)

Media

- Tape and televise meetings/hearings
- PSA campaign
- Radio appearances
- Local television shows
- Brief and regularly update print press

Legal Actions

- Negotiations/Settlement
- Fines
- Lawsuit

THE AFTERMATH:

Legal/Regulatory

- Tie up loose ends
- Act on lessons learned

Relationships

- Rebuild
- Plan for transition
- Acknowledge and thank supporters
- Communicate, Communicate, Communicate

**CAN TV's
Checklist
for Action**

Invoking the Multiplier Effect: How to Quantify Your Value to the Community

BY SAM BEHREND

Access managers are faced with the challenge of justifying their organization's existence to elected officials, decision makers and funders. This may be done through painting the big picture, telling anecdotal stories and by quantifying community impact. All are necessary and all are difficult. One of the least difficult, yet most effective tools in the persuasion game is placing dollar values on the services your organization delivers to its community and then comparing that total to the funds received to fuel those services.

At Access Tucson we started this reporting 15 years ago in our annual report to the City of Tucson. In *figure 1* below we have listed the performance metrics that we have historically collected. Some of them, like "number of studio hours provided" are easily valued by applying the cost of renting a similar studio in Tucson. Some, like "number of active members" are derived by calculating or estimating the cost to mail election materials and communicate with the membership. The value of the channel time as expressed in the metric "total number of hours cablecast" is also somewhat difficult to determine. One formula to derive the value of a PEG channel is based on a statement filed by Comcast in its lawsuit in San Jose, CA last year. That calculation is \$12.71 per subscriber per year per channel. Other metrics, such as "number of organizations served" are difficult to quantify separate and apart from the services delivered to those organizations. For those metrics that have no dollar unit cost listed, I would suggest that the value of these things is, as the TV commercial says, priceless.

Once a grand total value of services to the community is cal-

Access Tucson's Value of Services Compared to City Funding

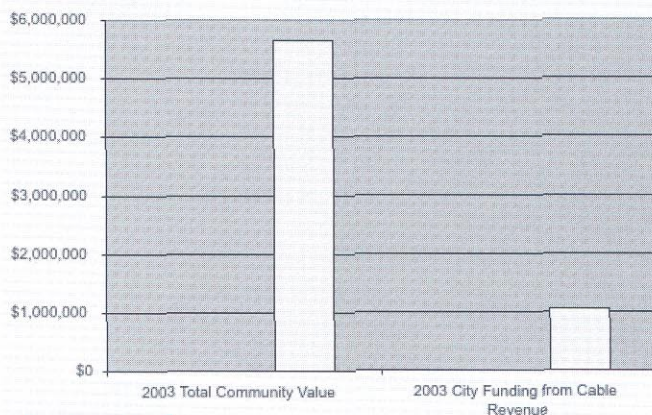


figure 2

culated, a comparison to public or cable funding can be made. This is expressed as *figure 2* above. This can become the basis of a powerful argument made to elected officials showing how a portion of the revenue received from the cable franchisee is multiplied (in our example nearly fivefold!) in direct services back to the community and the subscriber.

Sam Behrend (sam@accesstucson.org) is executive director of Access Tucson in Tucson, Arizona.

Access Tucson 2003: Services to the Community, Valued

Performance Metric	Total Units for Year	Dollar Value/Unit	Total Community Value
1. Internet users served	4,254	\$ 5	\$ 21,270
2. Studio hours provided	4,040	250	1,010,000
3. Equipment package checkouts	448	500	224,000
4. Editing hours provided	10,471	50	523,550
5. Training certifications	1,074	250	268,500
6. Staff/volunteer producer consultation meetings	1,157	40	46,280
7. Channel scheduling appointments	215	40	8,600
8. Active Members (at time of report)	1,561	5	7,805
9. Volunteer hours	2,860	15	42,900
10. Grants awarded	16	200	3,200
11. Scholarships awarded	58	250	14,500
12. Total hours cablecast	26,280	125	3,285,000
13. Remote staff productions	38	5,000	190,000

2003 Total Value to the Community: **\$5,645,605**

2003 City Funding from Cable Revenue: \$1,061,200

figure 1

Performance Metrics

There may be other Performance Metrics that your access center provides and that you feel placing a value on would be possible or justified. In Tucson, the following items were tracked throughout the year, but not directly "valued" in the chart:

Individual Members (18,829)
 New Members (697)
 Individual visits to facility (22,382)
 Training courses held (141)
 People trained (946)
 New projects started (320)
 Organizations served (247)
 Hits on website (4,261,991)
 Total hours webcast (25,152)

[The number and hours of First-run, Live, Local and Imported programs that comprise the "Total hours" cablecast.]

It's the Freedom to Communicate and It's *Only on Cable*

BY RUTH MILLS

On November 17, 2003 the cable industry announced a groundbreaking joint marketing initiative, dedicated to promoting the unique advantages of cable's advanced products and services. The "OnlyCableCan" campaign (www.cablechannel.com) was created to show consumers that cable offers a vast domain of products and services—from High Speed Internet to primetime HDTV to On Demand programming—that empower consumers to enjoy and access all that TV and the Internet have to offer, on their terms.

When I read this corporate media release, I was disappointed that the cable industry yet again chose to launch a major promotional campaign without a single mention of one of the most unique aspects of cable that sets it apart from its competitors: PEG access. I was at the same time, however, also glad to be involved in an Alliance effort that was underway to remedy this situation.

Over a year ago, the Alliance listserv had numerous posts regarding the need for the Alliance to develop a national image. The posts ranged from creation of station IDs to be used by centers, to the development of a network to serve the centers. The outcome of this thread was a meeting at the July 2003 National Conference in Tacoma, Washington. Four months later at an Alliance board meeting in Tampa, Florida, a workgroup was established to develop a public service announcement (PSA) contest.

The goals and parameters of the contest were straight from the listserv discussion:

- Retain local individuality, while at the same time join arm-in-arm with PEG access centers nationally to let the powers know that "we're here to stay!"
- Create a tape that could be given to a

local cable operator to be placed in rotation with "local avails" on CNN, Weather Channel, etc.

- Allow time at the end of the spot to insert local contact info.
- Create content that adds value to membership in the Alliance.
- Satisfy members' need for promotional

videos that acknowledge Alliance membership.

With no knowledge that the cable industry was to launch a campaign with exactly the same title the same month, the workgroup agreed on the slogan *Only On Cable* to emphasize the

point that "only cable can" bring you PEG access. It is well overdue for the cable industry to realize what an asset PEG access is to them. As the networks offer less and less local coverage, PEG access becomes more and

more important as the voice of the people. It is time to help the cable industry realize that PEG access is a great asset—especially in smaller communities where there is no other local coverage.

The contest was launched, and the *Only On*

Cable contest finalists are:

- ★ *Alliance PSA*, submitted by Ron Hebert, Access Pinellas.
- ★ *Freedom to Communicate*, submitted by Tony Mastantuono, NewTV.
- ★ *How Do You Spell Freedom*, submitted by Patrick Toth, North Suburban Access Center.
- ★ *PSA Contest*, submitted by Jason Crow and Frank Meroney, Falmouth Community Television.

★ See, submitted by Todd Holdman, North Suburban Access Corporation.

Votes have been collected on the Alliance website (www.alliancecm.org), and a winner will be announced at the end of the Tampa 2004 Alliance for Community Media conference. The prize will be free registration to the 2005 conference in Monterey, California.

It is the intention of the committee to have all the PSAs available to Alliance members either by download free from the website, or in other formats for a reasonable fee. In addition to playing them on their own channels, we would like each Alliance member organization to get its cable company to play the spots.

With this campaign underway, perhaps now it's time to launch another national campaign entitled "OnlyAccessCan":

OnlyAccessCan bring you local gavel to gavel coverage of meetings.

OnlyAccessCan bring you the voice of the people.

OnlyAccessCan provide an opportunity for you to call into a live program and discuss your views.

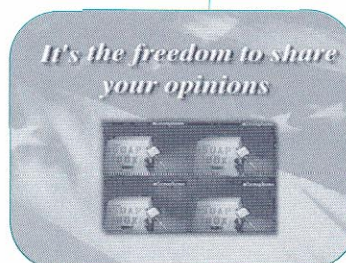
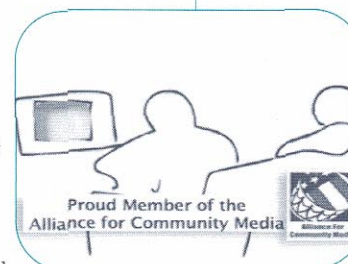
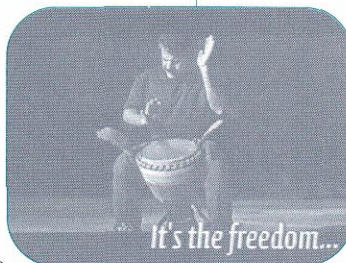
OnlyAccessCan gives you the freedom to communicate.

OnlyAccessCan...and it's only on cable!

It is going to take a concerted grassroots effort for these PSAs to

have an impact, but I firmly believe that if we work together to promote the benefits of Access, a difference can be made. Access centers vary in size and scope, but we all have one thing in common: "It's the Freedom to Communicate and It's Only on Cable."

Ruth Mills (rumills@indiana.edu) is general manager of Whitewater Community Television, Richmond, Indiana. She serves as secretary on the Alliance Board of Directors.



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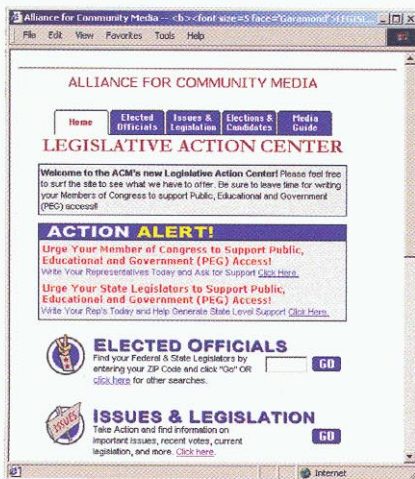
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- ▲ Monthly volunteer Public Policy Committee teleconferences
- ▲ Government relations staff person in our Washington, DC office
- ▲ Pro bono public policy legal assistance
- ▲ Online Legislative Action Center on the Alliance website, www.alliancecm.org
- ▲ Nationwide monitoring of state legislation
- ▲ Network of State Public Policy Coordinators
- ▲ Renovated website with news and public policy resources
- ▲ Legislative briefing events on Capitol Hill
- ▲ One-on-one meetings with congressional staff
- ▲ One-on-one meetings with FCC commissioners and staff
- ▲ Targeted coalition building and networking efforts
- ▲ Member and non-member electronic listservs
- ▲ Subscriptions to telecommunications trade journals
- ▲ Public policy update, monthly e-publication on current events
- ▲ *Community Media Review*: a quarterly journal on community media issues
- ▲ Many Alliance publications on a variety of topics and issues

A PEG ACCESS ADVOCATE'S TOOLKIT

BY TOM BISHOP

Everyday, lobbyists, on behalf of the telecommunications industry, individual corporations and policy think tanks collect a paycheck for being the day-in and day-out whisper in the ear of policy makers at the local, state and federal level.

They provide campaign funds, "educational" seminars and "technical" information to the people who write the laws that govern our industry.

People we know as "Senator Smith" and "Representative Jones," they know as "Jane" and "Bob."

How do you counter an 800-pound gorilla who not only hogs all the bananas, but also throws them away without giving up a single slice? Simple. Use the tools that have kept community media alive and kicking since George Stoney first used those two words together in a sentence. Make an appointment to speak with your legislators or one of their key staffers, and go in there with confidence (and with a friend, if necessary).

Here's a checklist that, if faithfully followed, should make you a powerful advocate for community media.

KNOW YOUR CAUSE. Don't just parrot the words passed on to you by those who've studied the issue. Make sure you're ready to answer any question a policy maker may have on the topic. Generally speaking, you're the expert, this is your field, and understanding what any advisors may have told you shouldn't be that difficult.

HAVE A MESSAGE. Community Media is a complex animal, but you only have so much time with Senator Jane, and so you need a message that is focused and on target. Put together five bullet points you want to get across, and make sure you speak to at

least three of them no matter what. You can always cover the other two in the (mandatory) follow-up letter or phone call.

KNOW THE PLAYERS. Who are your allies? Who at the moment is the legislator you need to convince that your cause is just? Also, know who is working against your cause because it isn't worth wasting your precious time with someone who is already entrenched.

MAKE SURE THE PLAYERS KNOW YOU. Your legislator should see you and think "Community Media" and remember the name of your organization. Build up a relationship to where Senator Smith and Representative Jones become Jane and Bob. Invite them to your facility to see the good work you do and how they too can make use of community media.

USE THE TOOLS YOU HAVE. The phone, fax, email, your channels and your constituents are the best tools in your toolkit. Use them as needed. You don't want to bury a policymaker in letters and emails everyday, but when you need to get their attention, there's nothing quite like a fax barrage followed by line of phone calls and a few terabytes of e-mail to wake them up.

ADVOCACY IS EASY. It's really just a form of communication where you try and convince someone of something you believe in. We're all in the communication business. Combine your communication skills with the checklist above and you'll be a powerful advocate for Community Media.

Tom Bishop is executive director of Media Bridges, Cincinnati, Ohio and vice chair of the Alliance for Community Media. He may be reached at tom@mediabridges.org.

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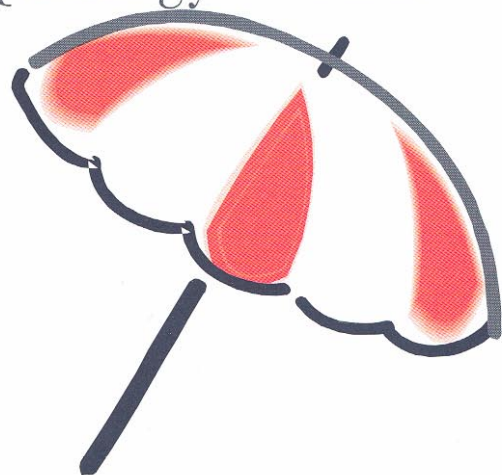
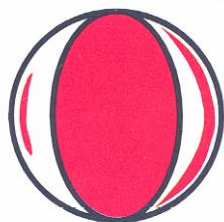
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The Threat of Silence: Advocacy as Prevention

BY HEIDI GRACE

What is community media? For that matter, what is media democracy? The ability to provide easy, understandable and inspirational answers to these questions is central to our cause and our mission.

When we consider these terms at face value, they sound like admirable concepts. The words community and democracy both have positive connotations that seem likely to evoke support from elected leaders and government officials. But left at face value, community media and media democracy cannot win many battles.

If a public official doesn't know what community media is, then how are they to know when it has been threatened? If they don't understand what media democracy is, then how can they take steps to protect it? In both cases, the reality is they can't, and unless we do something about it, our silence is yet another threat to community media. That is why it is important that we are constantly and consistently talking, explaining and defining community media. Educating and advocating are the sharpest, strongest tools we have against the "threat of silence."

At the Alliance national office, we look for new and innovative ways to continue spreading the good word about community media to members of Congress, government agencies and other issue organizations. The goal of education and advocacy is to start and sustain an ongoing process of knowledge and understanding.

It often takes an intricate knowledge of the process that creates and maintains Public, Educational and Governmental (PEG) access to know when it could be harmed. For example, the FCC's decision to classify cable modem service as an information service last year was a threat to community media because the way cable modem is regulated can affect the funding of community media. Someone not in the network of knowledge and understanding does not immediately make that connection.

One of our recent education and advocacy projects took place during this

year's Media Democracy Week. As the Alliance Board of Directors flew in for its annual Washington, DC meeting, we organized materials to storm Capitol Hill. Early one morning, the board split up with a handful of copies of our *Community Media Reviews* and promotional handouts about community media.

Each participating board director, along with Bunnie and me, received a list of congressional offices to visit. We spoke with communications directors, press secretaries, legislative assistants, and other staff from the House of Representatives Commerce Committee and the entire Senate.

We shook hands, collected business cards, gave energized presentations and left information at the door for those unavailable. We smiled, nodded thoughtfully and got our message out to an impressive number of people in a brief amount of time using limited resources.

It was an extremely successful project. At the end of the day, at least a hundred new staff persons on Capitol Hill began to understand and know what community is, where it comes from, how it works, and who is behind the magic it creates.

Education and advocacy is not limited to federal government officials inside the Washington, DC beltway. State legislators, city council members, local police chiefs, and state public utility commissioners are just a few other people who should understand community media. Take it a step further and look at the members of the community closest to you. Local business leaders, community groups, churches and individual citizens are just the tip of the iceberg.

The more people who become a part of the community media network of knowledge and understanding, the stronger and safer community media becomes. Silence is a threat that only education and advocacy can preempt and prevent.

Heidi Grace handled Government Affairs for the Alliance until June, when she accepted a position with a political consulting firm. We wish her well.

Eye, from page 47

successful digital story telling program. Streaming video can be linked with databases and documents and the Internet to mobilize people to seek more information, make donations, register for events, write their Congressperson and "meet up" with their friends for social action. Wireless devices such as cell phones, laptops and PDAs can link neighborhoods to each others in inventive content collaborations. There are countless, affordable, easy to use digital tools that can serve our community building efforts. Teach your constituents how to use these tools within the context of these questions: What is your central message? What change do you want to make happen? Who is your key audience? What values do they share? What is the best way to communicate with them? Once you have their attention, what do you want them to do? How do you build momentum? How do you know you have been successful? What have we learned? What's next? Ask yourself the same questions and apply these community media strategies to the agenda of community building and connecting to the broader movement of media democracy.

Enjoy yourself! The threats are many, the work is hard and sometimes it seems like we have every finger in the leaking dike of unrelenting challenges. Remember that our work is about people first. We are trying to make communities great places to live—fun, nurturing, exciting, respectful, safe and happy places. Find reasons to laugh, have parties, go out for lunch and play outside. Let words of thanks and encouragement spill from your lips. There is more work than any of us can possibly complete in one lifetime. If we can find the joy in working together, we will be able to make the connections, person by person, that enable us to build local communities worth living in, and secure media democracy around the world.

Lauren-Glenn Davitian (davitian@cctv.org) has been working to preserve public access to the means of media production and distribution since 1984. As an anthropologist, advocate, organizer, producer and developer of community media, she oversees CCTV's Center for Media and Democracy, based in Burlington Vermont (www.cctv.org). CCTV's affiliates include Channel 17/Town Meeting Television, CyberSkills/Vermont and CCTV Productions.



Alliance for Communications Democracy Needs **You!**

Join the ACD now to help us preserve and protect the Constitutional foundation for Community Media

For more than 15 years, the Alliance for Communications Democracy has been fighting to preserve and strengthen access to community media. Though the odds against us have been high, and the mega-media, corporate foes well-heeled and powerful, time and again we've won in the courts. We can't continue this critical work without your support. With the ramifications of the 1996 Telecommunications Act still manifesting themselves, and new legislation always on the horizon, we must be vigilant if we are to prevail and preserve democratic communications. If not us, who? If not now, when? Please join the Alliance for Communications Democracy today!

Become an Alliance for Communications Democracy Subscriber for \$350/year and receive detailed reports on current court cases threatening access, pertinent historical case citations, and other Alliance activities.

- ↔ Voting membership open to nonprofit access operations for an annual contribution of \$3,000.
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- ↔ Alliance Associate \$2500 – copies of all briefs and reports.
- ↔ Alliance Supporter \$500 – copies of all reports and enclosures.
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Direct membership inquiries to ACD Treasurer Rob Brading, Multnomah Community Television, 26000 SE Stark St., Gresham, OR 97038, telephone 503.667.7636, or email at rbrading@mctv.org

Visit the ACD's new website at

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Join us at our annual meeting at the ACM conference in Tampa • Thursday, July 8, 12:15–1:30 pm

Eye on the Prize: Securing Media Democracy to Build Communities Worth Living In

BY LAUREN-GLENN DAVITIAN

The tyranny of local franchising authorities. Public abivalence about free speech. De regulation. Concentration of global media ownership. World trade agreements. These threats are substantial but not impossible for community media-tistas to overcome. If we remember that our work is about people first (and technology second) we can build on the strengths of the people we know and the communities we live in to secure media democracy into the future.

But where do we start? First, let's recognize our strengths:

The time is right. As a result of concerted, broad-based organizing by media activists, two million letters were sent to the FCC in response to their plans to lift media ownership restrictions in 2003. This unprecedented public outcry demonstrates that the U.S. public *is* concerned about the loss of local media and the dangers of monopoly ownership.

We are not alone. While public access TV workers have been at it for nearly 30 years, the combined forces of low-cost digital media and global de-regulation have created a new generation of activists who are working to preserve local voices and media rights in their own communities. The fact that 1,700 people turned out to the National Media Reform Conference in Madison, Wisconsin, (sponsored by Free Press, www.freepress.org), shows that community and independent media is growing into a broad-based movement. Global activists, fed by the fight for cultural preservation and against world trade, include thousands of individuals who will "stand tall" with us.

People trust us. From the values of democratic media to the details of sound editing, we gently turn knowledge into learning and consumers into producers. People depend on us to help them bring their songs, stories and ideas to a wider audience and bring them into proximity with their neighbors. Children, teenagers, seniors, people of different faiths, persuasions and ideologies trust us for what we know and how we share it with them. This

special relationship allows us to further educate our constituents about the perils and promise of media and democracy—and to prompt them to collective action.

Organizing is our Business. When George Stoney was hired to document the Canadian Film Board's Challenge for Change project in the 1970s, he learned how portable video could be used for community animation. When he and Red Burns sent the first grassroots video makers across the country, their assignment was to organize communities to employ cable television for community building. Today, hundreds of public access TV channels and community media centers exist because someone mobilized their neighbors in the cause of free speech. They assessed community needs. They raised awareness about the benefits of free speech and open government. They leveraged community support, prepared a reasonable plan, made a convincing case, liberated local media, and, as a result, are improving the quality of life for everyone around them.

With all these advantages and forces in our favor, what more could we ask for? So let's go!

But wait—there is an important missing element: *Mobilization*. We need to engage our allies, not only those folks in and around our own local access centers who are doing important community media week-in and week-out, but also those who are in the national (and international) struggle for media democracy. We *must* seek common cause with them and broaden our base of support in order to overcome the sometimes daunting forces that threaten free expression, open government, alternative viewpoints, cultural diversity and the universal human right to communicate.

Here are some suggestions how to mobilize:

Educate Yourself about the threats and opportunities posed by local, national and global media policy. Check out the web links listed in this issue and those listed in sidebars to learn about media activists and projects that work for social change and successful efforts to stem the tide of media

consolidation.

Educate Your Supporters. Produce workshops and programs that encourage discussion about how these issues affect you on a local level and tie us into a global movement for communications rights for all. Run the programs live. Arrange for viewer call-ins. Stream all or part of the events on your website and feature them with related links (www.mediarights.org is a great example of this). Use the opportunity to cross promote with other media outlets. Moderate online discussions or set up weblogs to generate momentum for organizing efforts. Collect email addresses, add the names to your existing database and send e-newsletters that include information about media equity initiatives at the federal level, around the world and close to home (this database will also be extremely helpful during re-franchising or funding cuts).

Educate Your Community. Invite national speakers to your city or town (Amy Goodman, Jeff Chester, Robert McChesney, Noam Chomsky, Michael Parenti, Bill Moyers, Bernie Sanders, Lori Wallach, Naomi Klein, to name a few) and use these events to educate your broader community about the threats and opportunities that we face together. Expand your vision and reach out to social change organizations and community media projects that you may be less familiar with (e.g., Low Power and Pirate FM, community technology centers (CTCs), online organizers, etc.). High profile events will raise awareness about what your center is doing to promote free speech and diverse points of view, and establish your credibility as a media democracy advocate.

Think Strategically. Act Strategically. In order to achieve your organizing goals—and to teach your constituents how to make the most of new media tools for their own purposes—it is essential to think about community media as a package of strategic communications. Community media is more than idiosyncratic video programs airing on cable television channels. Computers and video can turn into a

See **Eye**, page 45

pioneering web-centric automation for access stations



program library . character generator . web schedule . event controller . digital video servers

camera operator
equipment manager
volunteer coordinator
executive producer
head end technician
office manager
public relations liaison
operations manager
graphic artist
director
gaffer

hero.

Jeff Renner
City of Savage, Minnesota

When the City of Savage cut the community television budget, Jeff was the only one left standing. He was expected to maintain the quality and quantity of programming on their public and government channels... *by himself*. With Cablecast and Carousel, Tightrope Media Systems' powerful web-centric automation system, he is able to do just that.

"I do not worry about automation. It is literally the last thing on my mind. In fact, soon after I was assigned to this post I was able to take my two-week vacation, only returning to the station once to add a disc to the DVD changer."

- Jeff Renner, City of Savage Minnesota

Jeff took advantage of Cablecast's web interface along with Carousel, its built-in character generator. Any time he needed to add messages to the Carousel system, he logged in from home and updated it within seconds. Cablecast and Carousel are the centerpieces of a two-channel head end that cost the city less than ten thousand dollars!

If you really want to know how station managers feel about Cablecast, jump on the ACM mailing list and ask the people who already use it. If your station is exploring ways that it can use its head end more effectively, you need to see Cablecast.



Access your head end from any web browser on any computer connected to your network!



Cablecast includes Carousel, Tightrope's powerful character generator. They work together so you don't have to enter the schedule twice!



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The simplest purchasing decision the most comprehensive production tools.

Paul Congo, Executive Director of Access Monterey Peninsula, has spent over 25 years involved in community access television, and along the way, he learned what it takes to succeed in this broadcast field.

"VT[3][™] is the most practical, user-friendly video suite on the market. The fact that a single operator can have such power at his fingertips continues to amaze me. From multi-camera live switched events to one man productions, VT[3]'s flexibility is unbeatable. The price point also makes it wonderful for public access. With budget cycles sometimes years apart, VT[3]'s affordability makes it possible to purchase multiple systems to use for training, remote locations, and in studio.

"But the real value of VT[3] is its integration and video quality. Everything's there: switcher, editor, graphics, even high-end animation capability. VT[3] is a system that can be used as a switcher OR an editor OR a graphics station. It combines live switching of up to 24 sources, real-time editing of both uncompressed and DV clips, character generation, painting, both 2D and 3D animation, integrated Proc Amps, Waveform and Vectorscope — even Internet streaming capabilities.

"Bottom Line: VT[3] is well-designed, stable, and supported by a company that started the desktop video revolution over a decade ago. There is nothing on the market that compares to the power and quality of this suite of tools, and the price point is far below anything else that even comes close."

NewTek's VT[3] offers everything a Public, Education and Government Local Access television station needs:

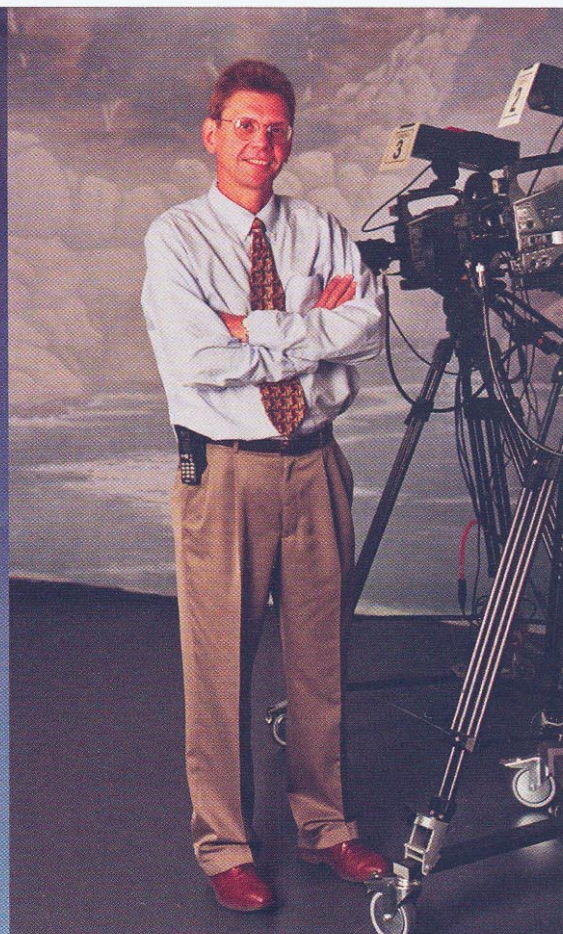
- live switching of 8 component or up to 24 composite sources •
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Paul Congo,
Executive Director
Access Monterey Peninsula

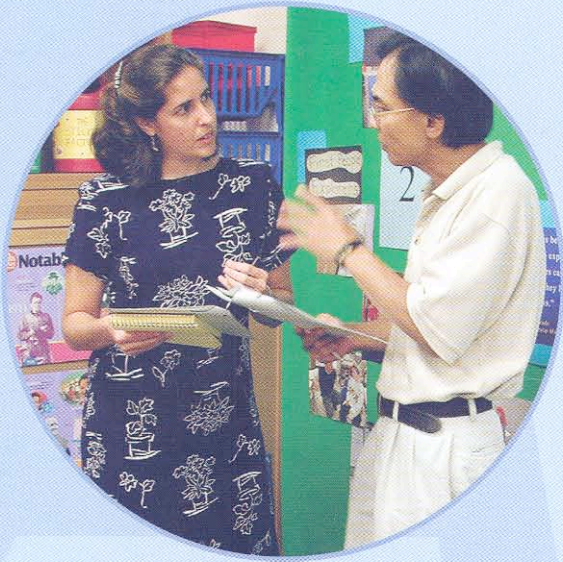


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